

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

OF THE
STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1831.

BEING THE THIRTEENTH ANNUAL SESSION

OF THE
GENERAL ASSEMBLY OF SAID STATE.

Tuscaloosa:

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JOURNAL

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HOUSE OF REPRESENTATIVES.

Monday, Nov. 21, 1831.—On Monday the 21st day of November, in the year our Lord 1831, the following members of the House of Representatives appeared in the State Capitol in the town of Tuscaloosa, it being the day fixed by law for the meeting of the General Assembly, were duly qualified and took their seats, to wit:

From the county of Autauga—Robert Brodnax.

Baldwin—Joseph Hall.

Bibb—David R. Boyd and Julius Goodwin.

Blount—William H. Musgrove and Thomas Shearer.

Butler—Nathan Cook.

Clarke—Samuel Wilkinson.

Conecuh and Covington—John Watkins and Samuel W. Oliver.

Dallas—Peter Walter Herbert, Ethelbert Saunders and John W. Paul.

Franklin—John L. M'Rea and William W. Payne.

Fayette—James K. M'Collum.

Greene—Walter N. Moffett, Thomas Riddle and James Snedicor.

Henry and Dale—James Ward.

Jackson—John Gilbreath, John B. Stephens, Henry Norwood, Ervin Swink.

Jefferson—Emery Loyd and Harrison W. Goyne.

Lawrence—David Hubbard, John T. Abernathy and Argile Campbell.

Limestone—Joseph Johnston, William Saunders and George W. Lane.

Lausderdale—John M'Kinley, Samuel Craig and Hugh M'Vay,

Madison—Henry King, James Penn, William Acklen, jr. Samuel Peete and James G. Carroll.

Morgan—Horatio Philpot, Daniel E. Hickman and John T. Rather.

Marion—Derden Hollis and Thadeus Walker.

Montgomery and Lowndes—Samuel C. Oliver, John Rugely and Moseley Baker.

Marengo—John Lockhart.

Monroe—James Dellet, John Faulk and William S. Hayes.

Mobile—Theophilus L. Toulmin and Isaac H. Erwin.

Perry—Martin A. Lea, Charles J. Shackelford and Elisha J. King.

Pike—George B. Augustus and Lawson K. Keener.

St. Clair—Charles C. P. Farrar and Green T. M'Affee.

Shelby—James M. Nabors and Leonard Tarrant.

Tuscaloosa and Walker—Benjamin B. Fontaine, William H. Terrell, James Foster and John R. Drish.

Washington—Ptolemy T. Harris.

Wilcox—Walter R. Ross and Allen Moore.

On motion of Mr Brodnax, Mr M'Vay was called to the chair, and Thomas B. Tunstall was appointed clerk pro tem.

The House then proceeded to the election of a Speaker: James Penn, a Representative from the county of Madison, alone being in nomination. For Mr Penn, 69 votes.

Those who voted for Mr Penn are, Messrs Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Watkins, Ward, Walker, Wilkinson.

Mr Penn having received all the votes given, was declared duly elected, conducted to the chair, made his acknowledgements to the House for the honor conferred, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a principal clerk: Thomas B. Tunstall being in nomination. For Mr Tunstall, 70 votes.

Those who voted for Mr Tunstall are, Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Mr Tunstall having received all the votes given, was therefore declared duly elected clerk of the House of Representatives, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an assistant clerk: Thomas Nixon Van Dyke and John C. Thompson being in nomination. For Mr Van Dyke, 38 votes—for Mr Thompson, 32 votes.

Those who voted for Mr Van Dyke are, Messrs Augustus, Boyd, Brodnax, Campbell, Dellet, Drish, Faulk, Fontaine, Foster, Goodwin, Goyne, Hall of B. Hays, Herbert, Hickman, Hollis, King of P. Lea, Lockhart, M'Collum, M'Kinley, M'Vay, Moffett, Moore, Musgrove, Nabors, Oliver of C. Payne, Philpot, Rather, Riddle, Ross, Saunders of D, Shackleford, Snedcor, Terrell, Walker, Ward.

Those who voted for Mr Thompson are, Messrs Speaker, Abernathy, Acklen, Baker, Carroll, Cook, Craig, Erwin, Farrar, Gilbreath, Harris, Hubbard, Johnston, Keener, King of M. Lane, Loyd, M'Afee, M'Rea, Norwood, Oliver of M. Paul, Peete, Rugely, Saunders of L. Shearer, Swink, Stephens, Tarrant, Toulmin, Watkins, Wilkinson.

Mr Van Dyke having received a majority of votes, was therefore declared duly elected assistant clerk of the House of Representatives, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an engrossing clerk: William B. M'Clellan only being in nomination. For Mr M'Clellan, 68 votes.

Those who voted for Mr M'Clellan are, Messrs Speaker Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, King of M. King of C. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

William B. M'Clellan having received all the votes given, was therefore declared duly elected engrossing clerk of the House of Representatives, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a door keeper: John Tatom, Couch, Mr Lee, Mr Shelly and Mr Straughan being in nomination.

John Tatom having received a majority of the votes given, was therefore

declared duly elected doorkeeper, was qualified and entered upon the discharge of the duties of his office.

On motion of Mr Rather: *Resolved*, that the Senate be informed that the House of Representatives is organized; and have elected James Penn, speaker, Thomas B. Tunstall, principal clerk, T. N. Van Dyke, assistant clerk, William B. McClellan, engrossing clerk, and John Tatom, doorkeeper; and are ready to proceed to business. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of Mr Fontaine: *Resolved*, that the editors of the several newspapers published in the town of Tuscaloosa, be admitted a seat within the bar of this House for the purpose of taking notes of its proceedings.

On motion of Mr Lane: *Resolved*, that the rules heretofore adopted for the regulation of this House, except so much as relates to the hours of meeting and adjourning, be adopted for this session until otherwise altered; and that eighty copies be printed for the use of the members.

A message was received from the Senate, by Mr Smith: Mr Speaker—I am instructed by the Senate, to inform your honorable body that the Senate have convened; and have elected the Honorable James Jackson of Lauderdale, president, Charles D. Conner, secretary, David S. Morton, assistant secretary, and James A. Bates, doorkeeper; and are now ready to proceed to business. *Ordered*, that the message lie on the table.

On motion of Mr Musgrove: *Resolved*, that the following standing committees be appointed, to wit:

A Committee on Privileges and Elections.

A Committee on Propositions and Grievances.

A Committee on Enrolled Bills.

A Committee on Inland Navigation.

A Committee on Roads, Bridges and Ferries.

A Committee on Ways and Means.

A Committee on the Military.

A Committee on Lands appropriated for Internal Improvement.

A Committee on the Judiciary.

A Committee on County Boundaries.

A Committee on Education.

A Committee on Accounts.

A Committee on Divorce and Alimony.

A Committee on the State Bank.

A Committee on the State Capitol.

A Committee on Indians and Indian Affairs, and in relation to lands in possession of Indians within the chartered limits of this State.

On motion of Mr Brodnax: *Resolved*, that a select committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication that he may please to make; whereupon Messrs Brodnax, Toulmin and King of M. were appointed said committee.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Tuesday, Nov. 22, 1831.—The House met pursuant to adjournment.

Mr Kilpatrick, a Representative from the county of Pickens, appeared, was qualified and took his seat.

Mr Dellet offered the following resolution: *Resolved*, that the business of this House is so arduous as to require the appointment to an assistant doorkeeper; which was lost.

Mr Hubbard presented the memorial of the committee appointed by a railway convention held in the town of Courtland, praying for a charter incorporating a company, to construct a railway from the town of Tuscumbia, through Courtland to Decatur; which was read and referred to a select committee, consisting of Messrs Hubbard, Craig, Payne, Philpot, Peete, Norwood and Lane, to consider and report thereon.

Mr M'Rea presented the petition of the judge of the county court of Franklin county, and commissioners of roads and revenue, praying the passage of a law to authorize them to raise a tax to build a Poor House in said county; which was read and referred to a special committee, consisting of Messrs M'Rea, Payne and Campbell, to consider and report thereon.

Mr M'Kinley presented the petition of the administrator of Alexander Faris, deceased, praying the passage of a law to authorize said administrator to make titles to a certain tract of land therein described; which was read and referred to the judiciary committee to consider and report thereon.

Mr Erwin presented the petition of sundry citizens of the city of Mobile, praying that the act of incorporation be so amended as to alter the boundaries of said city as therein described; which was read and referred to a select committee consisting of Messrs Erwin, Toulmin and Hall of B. to consider and report thereon.

Mr Rugely presented the petition of sundry citizens of Lowndes county, praying the passage of a law to authorize Barnabas Blackman to establish a turnpike road across big swamp, said road leading from Hayneville to Greenville, Butler county; which was read and referred to a select committee, consisting of Messrs Rugely, Oliver of M. and Baker, to consider and report thereon.

Mr Acklen presented the petition of sundry citizens of township No. 2, range 1, east of the basis meridian of Huntsville, purchasers of the 16th section in said township, asking further indulgence on said purchase; which was read and referred to a select committee, consisting of Messrs Acklen, Carroll, King of M. and Peete, to consider and report thereon.

Mr M'Vay presented the petition of Newman Wilks, praying the passage of a law to authorize the administrator of Philip Wilks, deceased, to make title to a certain tract of land therein described; which was read and referred to the judiciary committee to consider and report thereon.

Mr Rugely presented the petition of the administrators of James Ringstaff deceased, praying the passage of a law to authorize them to make title to Elijah Gilcrease, to a certain tract of land therein described; which was read and referred to a select committee to consider and report thereon. The committee are, Rugely, Paul and Oliver of M.

Mr Harris introduced a bill to be entitled an act to establish certain ferries therein specified; which was read and ordered to a second reading on tomorrow.

On motion of Mr Acklen: *Resolved*, that the Secretary of State be requested to furnish this House with a list of such returns for Governor as may have been filed in his office.

On motion of Mr Musgrove: *Resolved*, that the committee on Indians and Indian affairs, in relation to lands in possession of Indians within the chartered limits of this State, be instructed to inquire into the propriety or expediency of extending the civil and criminal jurisdiction of this State over all the Cherokee Indian Territory within the chartered limits of the same, according to the geographical boundaries, with leave to report by bill or otherwise.

On motion of Mr Rather: *Resolved*, that with the concurrence of the Senate, the two Houses will proceed on to-morrow, in joint meeting in the Representative Hall, to examine, enumerate and ascertain the votes given at the last general election for Governor of this State, and to decide and determine on said election. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of Mr Hubbard: *Resolved*, that a committee be appointed, whose duty it shall be to prepare a memorial to the Congress of the United States, praying that body to so alter the mode of selling the public lands, as wholly to abolish sales at public auction to the highest bidders, and in lieu thereof, to permit the entry of all lands hereafter sold, in tracts not exceeding one quarter section by the proper occupants, at the minimum price thereof at the time of such entry; and that said memorial request a gradual reduction of the minimum price on all lands, after the same may have been offered and remain unsold for the term of——months, that such lands be entered in tracts not exceeding forty acres; whereupon, Messrs Hubbard, Dellet, Oliver of C. and M'Kinley were appointed said committee to consider and report thereon.

On motion of Mr Hubbard: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of establishing a Branch of said Bank, to be located at some point in the Tennessee Valley, and if said committee shall be of opinion that the funds of said Bank are not sufficient for the establishment of a Branch without injury to the principal institution, in that event the said committee be instructed further to inquire into the expediency of increasing the capital stock of said Bank by loan or otherwise, to an amount sufficient to enable the State to make such Branch; and that said committee report by bill or otherwise.

On motion of Mr M'Vay: *Resolved*, that the military committee be instructed to inquire into the expediency of amending the patrol law, with leave to report by bill or otherwise.

Mr Hickman offered the following resolution: *Resolved*, that the door-keeper of this House be, and he is hereby authorized to procure fuel for this body, and also an additional number of chairs, if necessary. Mr Baker moved the following amendment, "and procure a suitable desk for the Speaker's seat, and a coarse carpet for the floor of this Hall," which was adopted. The resolution as amended was then adopted.

Mr Rugely introduced a bill to be entitled an act to incorporate the town of Hayneville; which was read and ordered to a second reading to-morrow.

On motion of Mr Cook: *Resolved*, that the judiciary committee be instructed to report a bill providing for a Digest of the laws of the State of Alabama.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate concur in the resolution of the House of Representatives, proposing the appointment of a joint committee to wait on his Excellency the Governor, informing him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication which he may think proper to make; and have appointed on their part Messrs Smith, Pickett and Powell.

On motion of Mr Fontaine: *Resolved*, that the military committee be instructed to inquire into the expediency of erecting a State Arsenal for the better security of the State arms; and that they have leave to report by bill or otherwise.

On motion of Mr M'Vay: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the State tax, with leave to report by bill or otherwise.

Mr Hubbard offered the following resolution: *Resolved*, that the two Houses, with the consent of the Senate, will assemble in the Representative Hall on Wednesday next, at 3 o'clock P. M. for the purpose of electing a State Printer for the ensuing year. Mr M'Kinley moved to amend the resolution by striking out the word "Wednesday," to insert "Friday," which was carried. The resolution as amended, was then adopted.

On motion of Mr Lane: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of establishing a separate supreme court, with leave to report by bill or otherwise.

On motion of Mr Campbell: *Resolved*, that a select committee be appointed, whose duty it shall be to inquire into the expediency of changing the time of holding the county court of Lawrence county, with leave to report by bill or otherwise.

On motion of Mr Stephens: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of erecting a penitentiary in this State, with leave to report by bill or otherwise.

Mr Brodnax, from the committee appointed on the part of this House, to act with a committee appointed on the part of the Senate, to wait on his Excellency, and inform him that the two Houses of the General Assembly were organized and ready to receive any communication he would make, reported that they had performed that duty, and received for answer, that he would make a communication on this day at half past 12 o'clock. *Ordered*, that said report lie on the table.

An annual communication was received from the Governor, by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, *Tuscaloosa*, 22d Nov. 1831.

To the Hon. the Senate and House of Representatives:

FELLOW-CITIZENS: From a concurrence of events of which you are apprised, I became the Acting Governor of the State on the third day of last March; and it is my duty to continue in the department until the present General Assembly shall have qualified the Governor elect. I cordially participate in the joys of the thirteenth annual meeting of the Representatives of the people of Alabama; and it adds to my exultation, that I believe, in proportion to the increase of the number of its years, our State rises in respectability and consequence in the scale of the Union. We have cause for renewed obligations to the beneficent Dispensator of blessings to the human family, for health; an unusually abundant reward to agricultural industry; and the promising success of our public institutions.

The framers of that instrument which defines your powers and mine, and secures to the people their rights, aware of the constant recurrence of objects important to the public weal, which demand the attention of the Legislature, appointed sessions at short periods. And being in a co-ordinate department at the commencement of the present session, it is my duty to recommend to your consideration, such measures as I may deem proper subjects of Legislative action. I perform this task with less diffidence, feeling assured that such measures as I shall recommend, coming within the pale of your operations, will receive from you such attention as their importance, and the good of society may require; and from a conviction that your numerous body, immediately from the people of the different sections of the State, will have knowledge of such objects, involving the welfare of the community as shall have escaped notice in my communication; and that those, for such omission, will receive no less the unremitting and scrutinizing attention and deliberation of your honorable body.

The University of Alabama was prepared for the reception of students on the eighteenth day of last April, since which time, with a vacation of ten weeks, it has been in active and successful operation. The number of students is now eighty-eight, and others expected shortly. It is a source of much exultation for the infant State of Alabama, to hail the commencement of an institution which, from its ample endowments, its healthful situation, its connexion by a navigable stream with seaports and fertile countries, from which may be easily obtained all the necessaries and comforts of life not furnished by the productiveness of the neighborhood, promises to rival any institution of the kind in the United States. Nothing but a misdirected administration of its resources, can prevent its most extensive usefulness in the Republic. I congratulate the State on the fortunate selection of a President and Professors. With pleasure do I express my entire belief, that their qualifications are in all respects equal to the discharge of the duties of their respective departments; and that their exertions accord with their feelings of deep interest in the prosperity of the institution.

Permit me here to recommend to your consideration the propriety of allowing to the Trustees of the University compensation for their services, without which a proper attention to the expensive discharge of their duties cannot, ought not, to be expected from persons whose indispensable qualification is a residence in a distant part of the State.

On a judicious adjustment of a circulating medium, in a great degree depend the happiness and facilities of social and commercial intercourse. A sound and well regulated currency is preventive of difficulties, and promotive of an easy and friendly communication between nations, between states, and between individuals. The subject of banking is, therefore, one which the Legislature of every community, involved in its varied intricacies and dangers, ought to view as a matter of the deepest concernment. If banking be considered essential in facilitating commercial action, it is proper to inquire how banks may be established upon principles of republican legislation. If we view banking as a tax upon the citizens, for the purpose of raising revenue to defray the expenses of government, we are able to recognize the power of a State to become a banker as legitimate, and yet sustain the principles of equal rights to the citizens. Banking is a tax, because by it a revenue is collected; and this revenue is inseparable from the operations of successful banking, because of its necessity to sustain the credit of the paper.

The State of Alabama, in the exercise of its legitimate and constitutional power, has become a banker. It has established a bank founded on a permanent capital, which issues and lends a paper currency at a moderate interest. The interest constitutes a revenue to be applied only to public use, and is acquired by an indirect mode of taxation to raise a State revenue. Because the tax is paid voluntarily by individuals who borrow the paper, it does not change the character of the operation; it is still a tax, transferred by the individuals to the public. It will not, I suppose, be pretended, because an innkeeper pays for his license voluntarily, that he does not thereby pay a tax. But because a State has a right to tax its citizens to raise a public revenue, it does not conclusively follow, that a State has the legitimate power to transfer that right to an incorporation; or varying the expression, to tax the citizens for the benefit of the individuals of an incorporation. Under the general laws of Alabama, individuals have not the right of associating themselves together with banking privileges; therefore, when the Legislature, by an act of incorporation,

grants these powers to an association, those individuals thereby receive and exercise privileges, from which other citizens of the same community are excluded. The nature of these privileges may be readily seen, by a very slight examination of the operations of a private stock bank. A "set of men," in their corporate capacity, issue their notes, by which they promise to pay a specified sum of money; an individual wishing to obtain some of those notes, presents his note to be discounted, by which he promises to pay a specified sum of money. The operation is an exchange of notes. But in the exchange, the individual is required to pay a premium, the tax. Where shall we look to find the reason of the difference in the value of the credit of these parties; the reason why this "set of men" may require this tax, this tribute of the individual? The parties to the transaction are equally solvent; the credit of each is intrinsically equal to that of the other; they are citizens of the same State, subjects of the same government; on the face of the notes the promises are made in the same obligatory language, to pay in the same specific dollars. The reason is not found here. But when we turn to the statute book, in an act of the Legislature of a government purporting to be founded on the equal rights of its citizens, we find the reason. I do not intend to insist that the establishment of company banks is contrary to the letter of the Constitution of Alabama; for that instrument seems to recognize the right of the Legislature to create such banks. My object is to show, that to establish a company bank, is not legislating strictly on principles of equal rights, which ought to be the polar star of every American Legislator, and is contrary to the true policy of a Republican government. Suppose another State to apply to the Legislature of Alabama for a Bank charter, with the usual company bank restrictions, to authorize that State to establish a bank in Alabama for the purpose of raising revenue. The President and Directors would be chosen from the stockholders, who, in this case, would be the citizens of the applying State. This bank would be constitutional upon the same principles that the company banks are. But would its establishment be good policy in the Legislature? Would the application not be rejected, because it would be establishing a separate interest in our State? Because the bankers would manage the institution, so as to produce the greatest revenue, regardless of the interest of Alabama. If this argument be good, it will apply with equal force to any company of individuals, clothed with banking powers. Without regard to place of residence, State, citizenship, or other interest, they will pursue that course in the management of the institution which will produce the largest dividends because it will be for their own emolument. It is a correct course of legislation to endeavor to produce a coincidence between duty and interest. Where this is wanting, the citizen is apt to be unfaithful. The establishment of a company bank, is the erection of a separate interest in a State, and it is exclusive, confined to a few. It is absurd to say, that because, by the terms of the charter, it seems to offer stock to all who will purchase, therefore its privileges are not exclusive. This is like a thousand persons running to obtain shelter in a house, that will contain only an hundred. Persons using this argument, will more certainly reach their object by creating a bank, in which the whole funds shall belong exclusively to the government; the citizens will then be equally interested. In this way the Bank becomes incorporated with, and composes a part of the government; and hence, is not liable to the objection of being a separate interest.

The bank of the United States is a company bank, in which four-fifths

of the stock is owned by individuals. There are twenty-five Directors, twenty of whom are chosen by the individual stockholders, the remaining five by the President of the United States. The number chosen by the individuals is sufficient at all times, to control the direction of the bank. It is, therefore, a separate interest, and liable to all the objections of other company banks; and much more alarming in a government, because of its immense capital, and its powers to extend its ramifications throughout the Union, in defiance of State authorities. These Directors have chartered authority at their discretion, to establish at any point or points in your State, a branch, or branches, of a misnamed United States Bank, no other than a powerful monied institution, for the emolument, and under the direction of a few individuals, of different States and Nations. Where are your state rights, when twenty five men, private citizens, have a right, thus to trample upon your authority? Collectors of tariff duties are officers of government, and the tax which they collect is for public use; but the national banking tax-collectors, are private citizens, not material of what nation or country, collecting a tax within the limits of your State, probably against its consent, and for their own aggrandizement. I respectfully submit to your consideration, the propriety of making a strong and decided expression against the policy of re-chartering the Bank of the United States, especially on its present principles, and with its present powers; and discountenancing (for that is the limit of your state right,) the establishment of other branches in the State of Alabama.

It is worthy of notice, that when the Constitution delegates powers to Congress, it is frequently under specified limitations, viz: the power to lay and collect taxes. &c. is under the restriction, that they must be uniform throughout the United States. But when Congress exercises a power not expressly given, it is without limitation, because the framers of the Constitution, not anticipating any pretensions to a claim to such power, made no restrictive provisions. Such is the case in the establishment of a national Bank, if Congress have the power, it is limited only by their own discretion; hence a danger of State sovereignty not being sufficiently regarded, and hence a necessity of the States being particularly watchful on those subjects of usurped legislation. If the establishment of such an institution be indispensable to the welfare of the nation, would it not be advisable that each State in which a branch may be established, shall be allowed to purchase so much of the stock in the branch, as will give to the State the control of its direction. In this way the power and influence of the Bank will be divided among the States, and not concentrated entirely in the General Government, or in the hands of individuals.

The growing condition of the Bank of the State of Alabama equals the highest expectations of its most sanguine friends; and its successful operation will doubtless continue so long as the Legislature exercise their wonted caution in procuring ability and integrity in its direction. I would suggest the propriety of enlarging the bank capital, by the sale of State stock, so as to authorize the establishment of a branch at some eligible point, without injuring the operations of the mother bank. This will enable the institution to extend its accommodations, and with greater convenience to the citizens; it will also diminish the inducements to establish a branch of the Bank of the United States within the State.

It is unnecessary at this day to produce argument to prove to citizens of Alabama, that duties on articles of foreign, for the purpose of protecting domestic manufactures, operate partially on the citizens of the United States; unjustly and oppressively on those of our section; and that, as a State,

we ought to be decidedly opposed to the policy of the American System. It would seem folly to oppose argument to the absurd idea, that the imposition of a tax, or duty, on any species of fabric, will not enhance *its* price to the consumer ; and until this be true, we are sufferers, and cannot favor the policy. There is, however, much diversity of opinion on the subject of the extent to which we may legitimately oppose the existing tariff. There are some who believe, that as a sovereign State, we have a right to determine as to the constitutionality of a tariff law ; and having decided it to be unconstitutional, to declare it inoperative and void in the State, and resist the execution of the law. Others are of opinion, that the justice of our cause, set forth by sober argument, in remonstrance or memorial, will ultimately succeed in alleviating our grievances ; and should this fail, they believe there is yet another course to be pursued which ought to precede the arbitrary exercise of State sovereignty. The idea of States being politically united, implies a federal government ; and to preserve a healthy action of the system of the Union, it is necessary that this Government should have the power to make certain general laws. The Legislative powers of the government of these United States are vested in a Congress. The Federal Constitution defines the powers of Congress, also designates the objects of legislation. If Congress, therefore, enact a law on a subject designated, and within the pale of their authority as prescribed by the Constitution, it is binding on the different States of the confederation ; otherwise it is unconstitutional, and not binding. Further to illustrate the idea : The Constitution vests in Congress the power "to lay and collect taxes, duties, imposts, and excises ;" it also prescribes that "all duties, imposts, and excises shall be uniform throughout the United States." If Congress, therefore, enact a law to lay and collect duties which are *uniform throughout the United States*, the law is within the prescribed powers, and binding on the States ; but if the duties be not *uniform throughout the United States*, the law authorizing their collection is unconstitutional, and not binding on the States.

But Congress, by the enactment of the law, have said, that the duties are *uniform throughout the United States*, (otherwise they had not the power to enact the law,) and therefore constitutional.

But the State of Alabama says the duties are not *uniform throughout the United States*, and therefore the law is not constitutional. Here is the issue. How is it to be tried? I think not by battle in the first resort. The judicial power of the United States is vested in a Federal, Supreme, and other inferior courts, and extends to "all cases in law and equity, arising under this Constitution, the laws of the United States," &c. But this case arises under the Constitution or laws of the United States; therefore, this law is cognizable by the Federal, Supreme, or other inferior courts. But the Federal Court decides the case against the State. Truly ; and the decision establishes a part of the Constitution which before was in dispute. But the evil still exists. And the law which oppresses us, has been determined by the proper tribunal to be constitutional. The fault is, therefore, in the Constitution ; it vests too much power in Congress. The next inquiry is, how is the Constitution to be amended? The instrument itself has pointed out the mode. "Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution ; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention, for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of

the several States, or by conventions in three-fourths thereof." Urged by the existing evil, the States instructs its Representatives in Congress to endeavor to procure propositions to amend the Constitution: memorials and petitions are employed; all exertions fail, a concurrence of two-thirds of both Houses cannot be obtained. The State endeavors, by resolutions and otherwise, to procure a concurrence of a constitutional number of the Legislatures of the several States, to apply for a Convention to propose amendments. A concurrence of the competent number cannot be obtained. Or if constitutional propositions of amendment be made, the Legislatures or conventions of three-fourths of the several States will not ratify the proposed amendments. If the law be unconstitutional, for want of power in Congress to lay duties to protect domestic manufactures, instead of to raise revenue to support Government, or for other reason, the question may be tried in like manner.

Having now exhausted all the means known to the Constitution, and consistent with the Union, to obtain relief from legal oppression in vain, if the evil still exists and be insufferable, it is now the State may begin to calculate the value of the Union, (a painful reflection to a heart that has always cherished a belief that its value is incalculable.) It is now, by reverting to the first principles of self-protection, the State may nullify the acts of Congress by declaring them inoperative and void within its limits, and set up for itself. But before it takes this step, it ought carefully to weigh the advantages of secession, against those of the Union, and see that the former clearly preponderate. Having said thus much, I would submit to your honorable body the propriety of making some expression on the subject of the present Tariff, and the means which ought to be employed in opposing it, or procuring its modification. I will here also submit for your consideration, a copy of the address to the people of the United States read by Mr. Berrien from the federative committee, to, and adopted by the anti-tariff convention.

A conviction of the highest considerations of public duty induces me to direct your attention again to a subject, the importance of which has been so often pressed on previous sessions of the Legislature by my predecessors, that little remains to be said with which you are not familiar. To afford such practicable facilities to the commercial interests of our growing country as their exigencies may require, certainly falls within the legitimate sphere of legislative action. In tracing the vestiges of ancient States, in whose councils, munificence, guided by wisdom, presided, the remains of commercial improvement and other undertakings, mark the advanced state of society, and attest the empire of the arts of peace. While military achievement has shed lustre on nations, works of public utility, tending to the happiness and welfare of society, record the exercise of superior virtues, and afforde nobler monuments of true and lasting glory.

While we feel a degree of becoming pride in the consciousness that the State of Alabama stands pre-eminently distinguished on the map of our country for its natural commercial advantages, yet there are works of public improvement, the accomplishment of which are imperiously called for by the growing wants of our flourishing country, and which would incalculably tend to the promotion of the welfare and prosperity of the State. Among these, the connection of the Tennessee and Alabama waters, as well on account of the magnitude of the undertaking, as of its high importance to extensive and various sections of country, whether regarded in a military or commercial point of view, whether as a project

of a national or local nature, command our early attention. While this subject presents to the General Government, in drawing together and preserving in political concord the distant parts of a widely extended country, an object inviting to patriotism, and interesting to its reputation, the commercial interests of the State impel to the most intense efforts in promoting the same object. The events of the last war, yet fresh in the recollection of us all, admonish, that if a hostile flag should again wave along our coast, it is to the interior we must look for the means of defence, in men and the munitions of war. By an improvement of the kind here recommended, a direct intercourse would be opened between our seaboard, and the populous and fertile regions of East Tennessee, Western Virginia, North Carolina, and a respectable portion of Georgia, by which the effective forces and supplies could speedily be conveyed to our assistance and relief. Thus valuable in a state of war, its advantages would be more sensibly and beneficially experienced during the prevalence of peace. It would pour into the bosom of Alabama the rich produce of the sections of country before enumerated, consisting of commodities which our necessities most urgently require, viz: Iron, Bacon, Flour, Lard, Butter, Rope, and Bagging, many of which articles we now procure from the North Western States, by way of New Orleans, loaded with the accumulated charges consequent upon a long, circuitous, and dangerous navigation, frequent trans-shipments, merchants' commissions, and other expenses, which generally swell the price of the article by the time it reaches the consumer, to an amount double its original cost. This increased expense is taken from the pockets of our citizens, and would, as has been shown by unerring calculation, in two years, amount to a sum equal to the accomplishment of the proposed undertaking, thereby draining the country of its circulating medium, to the manifest injury of all interests, and all classes and conditions of men. Another desirable effect attendant on its consummation, would be the concentration of the trade, export and import, of an extensive tract of country, (of itself adequate to the support of a large city,) upon Mobile; thus contributing to the creation of a great commercial emporium within our own limits, than which nothing serves more effectually to give character to a State. It would give new impulse to the productive genius and industry of the country, calling into profitable employment thousands of honest individuals; opening new and unthought-of avenues to the accumulation of wealth; and would bring into immediate and successful cultivation millions of acres of lands, blessed with fertility of soil and salubrity of climate, whose natural disabilities, without the assistance of art, condemn them to perpetual waste and wilderness. The high estimate which is placed upon this trade in other parts, may be readily inferred from the fact, that great struggles are now making by Virginia and South Carolina, to open for it an outlet through their respective territories, by a railroad across the Alleghanies, to an Atlantic port; either of which projects, in their accomplishment, would involve an expenditure incomparably extravagant, in proportion to the amount necessary to carry into execution the aforementioned improvement. And shall we, with all the advantages which nature and circumstances have combined in our favor, supinely fold our arms in cold indifference, and see that wealth seized upon by others, which may be regarded as the rightful property of our own citizens? To this question the Representatives of the people will return to their constituents a proper answer. Of the proper manner of prosecuting this desirable object, whether by the incorporation of a joint stock company for the whole

work; or by undertaking the work at State expense, for public benefit; or whether aid should be solicited from the General Government, in effecting that which is so evidently a national concern; or whether by canal or railroad, is for the wisdom of the General Assembly to determine. In your deliberations on this subject, you will, I have no doubt, be much aided by the report of the State Engineer.

A connexion of some point above the Muscle Shoals, with some point below these obstructions, on the Tennessee or Mississippi rivers, viewing it either as a national or local work, is equally desirable, and worthy of consideration. The formidable difficulties to navigation presented by the Muscle Shoals, render it advisable that the improvement recommended should be by railroad. To show the great utility and practicability of the improvement, I herewith submit a copy of the address to the public, by the Corresponding Committee appointed by the Valley Railroad Convention at Courtland.

With this superficial glance at these object of internal improvement, I take leave of them, with a full confidence, that they will receive from you that attention, that careful and impartial consideration, to which their magnitude, their importance, and their intimate connexion with the dearest interests of the people of Alabama, so pre-eminently entitle them.

The crowded docket of our Supreme Court admonishes that something is defective in the system. The Judges, after discharging the duties of their respective circuits, are unable to command more time than is sufficient to do half the quantity of the business which has accumulated in the Supreme Court since its last previous term. As the State becomes more populous, business will increase, and there will be a consequent increase of litigation. I, therefore, recommend to your notice the propriety of establishing a separate Supreme Court to consist of three Judges, who will be able to hold such terms as the business of the court may require. Parties will then be able to obtain justice in a reasonable time, the delay of which, under the present system, almost amounts to a denial; and which must be very desirable to a community, and to Judges of a Court of dernier resort, they will have time for reading, and the examination of important principles, on the correct settlement of which may depend much of the security of life, liberty, and property to the citizens.

I would respectfully direct your attention to the inquiry, whether the punishment of death be not disproportionate to the crime of counterfeiting and forgery. I am aware of the impracticability of graduating punishment and crime with precision; but when the disproportion is so great that humanity revolts at the idea of inflicting the punishment; that all good feelings unite in recommending a convict to Executive clemency, it is then obvious that a lower grade of punishment is expedient to insure its infliction, and to prevent crime from being perpetrated with impunity. And while on this subject allow me to recommend to your consideration the establishment of a Penitentiary system. Preceding Legislatures have rejected the proposition, because the resources of the State were thought to be unequal to the expense of erecting a suitable building. To obviate this difficulty, I would recommend that the building be constructed on such model, that part of the plan may be completed, fit for use, the first year; and afterwards, annual additions to be made, until the edifice be sufficient for the exigencies of the State; and for effective means, I would advise annual appropriations from the dividends accruing to the State from the Treasury Fund in the State Bank.

As a subject worthy of the consideration of the Legislature, allow me to

call to your attention, the necessity of extending more fully, into the Cherokee and Creek nations of Indians, within the chartered limits of the State, the civil and criminal jurisdiction of the State courts, allowing to the inhabitants, in all respects, the rights and privileges of citizens, as far as is consistent with the constitution, justice, and their condition. Our citizens residing near the borders of those unceded lands, are frequently interrupted in their rights of person and property, by lawless persons, who elude the pursuit of justice, by being beyond the jurisdiction of our courts. The sovereignty of the State, gives to it the right of jurisdiction throughout its territory. It is, therefore, a curtailment of its rights to suffer a part of its limits to be under a distinct government, and more inconvenient because the government is only nominal, and not adequate to the purposes of justice.

The safety of the citizens, particularly those in the neighborhood of the Seat of Government, demands your attention, to the insecure situation of the public arms. There has been a late arrival of nearly one thousand muskets, with accoutrements, which, in their present situation, may be easily possessed by those whom, I fear, we have too much reason to denominate, a disaffected and dangerous population. A moment's reflection, I think, will clearly show the expediency of erecting a State Arsenal, or making further provision for the distribution of the public arms.

The unfinished situation of the State Capitol will present itself for your consideration, and strongly urges at your hands an appropriation of the small amount necessary for its completion.

Since the last session of the General assembly, I was informed by a communication from the commissioners of the General Land Office at Washington City, that selections of lands, made by the commissioners appointed to select the 400,000 acres, donated to the State, to improve the navigation of the Tennessee and other rivers, not conformable to the divisions and subdivisions prescribed by an act of Congress, making further provision for the sale of public lands, would not be sanctioned in that department. And because the commissioners had selected many tracts of forty acres, being the one half of the smallest legal subdivision, I deemed it expedient to, and did call them together by proclamation, with instructions to substitute other tracts, conformably to legal subdivisions, equal to the aggregate quantity of those selected by tracts of less than legal subdivisions, which service they performed. I would, therefore, recommend to your consideration, the propriety of allowing them compensation for such extra service.

I have received copies of resolutions of the Legislatures of different States, which, according to request, I present to your honorable body for consideration, viz: of Resolutions of the Legislature of the State of Massachusetts, respecting the integrity and permanency of our civil institutions, in relation to a more perfect organization of the militia under the authority of the United States. Of the State of Delaware, in relation to the tariff of the United States, and to internal improvements; in relation to the amendments of the Constitution of the United States, proposed by the Legislatures of the States of Louisiana and Missouri, in relation to the surviving officers and soldiers of the revolutionary Army; in relation to the public lands of the United States; in relation to resolutions of Alabama, nominating Andrew Jackson for re-election, &c. Of the State of Vermont, in relation to communications from the States of Georgia, Connecticut and Louisiana, on the subject of proposed amendments to the Constitution of the United States. Of the State of Ohio, in relation to the Constitution-

al power of Congress to appropriate money to aid the Colonization Society. Of the State of Maine, in relation to the tariff and internal improvement. Of the State of New Hampshire, in relation to the more perfect organization of the militia of the several states. I also lay before your honorable body, copies of a memorial of the American convention, for promoting the abolition of slavery, and improving the condition of the African race.

The following appointments have been made since the last session of the General Assembly, viz: William Richards, Judge of the County Court of Pickens county, vice Job H. Binion, resigned; William Harper, Judge of the County Court of Dale county, vice William Loftin, resigned; William H. Duke, Judge of the County Court of Marion county, vice William H. Ragsdale, resigned; John H. Gilmore, Judge of the County Court of Henry county, vice David Caldwell, resigned; George Burt, Judge of the County Court of Conecuh county, vice Stephen C. Richardson, resigned. I have also received the resignation of the Hon. Charles Tate, as a member of the Board of Internal Improvement; of Benjamin Williamson, as Judge of the County Court of Wilcox county; of James Saffold, as Judge of the County Court of Dallas county; of Thomas Ringold as Judge of the County Court of Marengo county.

My present connexion with you, gentlemen, in a few days will be dissolved. Its whole existence will have been short; but though I never should have the honor again to occupy a seat in any department of the government, the present and subsequent Legislatures have my most ardent wishes for the success of every exertion to promote the welfare of the citizens of Alabama.

SAM. B. MOORE.

Mr Acklen moved that the communication lie on the table, and that 500 copies be printed for the use of this House; which was carried.

The House then adjourned until to-morrow at 11 o'clock, A. M.

Wednesday, Nov. 23, 1831.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Conner: Mr Speaker—I am instructed to inform you that the Senate concur with the resolution of the House of Representatives, to convene in the House to enumerate and examine the vote given at the last general election for Governor of this State, and decide and determine the said election, and have amended the same by striking out the word “to-morrow,” and inserting “to-day,” in which they ask the concurrence of the House. They have adopted the following resolution, in which they desire the concurrence of your honorable body: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will on this day at the hour of twelve o'clock, convene in the Hall of the House of Representatives, for the purpose of electing a judge of the county court of Jefferson, Wilcox, Marengo, Henry and Dale.

Mr Herbert moved to amend the resolution by adding the words “and judge of the county court of Dallas county;” which was carried. Mr Rather moved further to amend it by striking out the words “to-day at the hour of 12 o'clock,” with a view to insert the words “Friday next at the hour of 3 o'clock, P. M.” which was carried. The resolution as amended was then adopted. *Ordered*, that the House concur in the amendment made by the Senate, to the resolution proposing to enumerate and ascertain the vote given at the last general election for Governor of this State. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Johnston presented the petition of Jesse Coe and Bartley Cox, praying the passage of a law to authorize them to enter certain lands therein

described at the land office at Courtland; which was read and referred to the committee on lands appropriated for Internal Improvement.

Mr Hubbard presented the petition of Alexander Sale, and others, commissioners of the 16th section, township No. 4, range No. 8, west, praying the passage of a law to authorize the sale of said section; which was read and referred to the committee on education.

Mr Watkins presented the petition of sundry inhabitants of township No. 6, range No. 9, praying an equal benefit of the sales of the sixteenth section in said township; which was read and referred to the committee on education to consider and report thereon.

Mr Abernathy presented the petition of sundry citizens of Lawrence and Franklin counties, praying the passage of a law to authorize the building a bridge over Town Creek; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Baker presented the petition of sundry citizens of Montgomery county, praying the passage of a law to incorporate an independent bank to be established in the town of Montgomery, or to establish a branch of the State Bank; which was read and referred to the committee on the State Bank.

Mr Saunders of L. presented the petition of sundry citizens of Limestone county, praying the passage of a law to emancipate a certain negro named Ellis; which was read and referred to a select committee to consist of Messrs Saunders of L. Peete and Craig, to consider and report thereon.

Mr Erwin presented the petition of Samuel Jackson, of the county of Mobile, praying the passage of a law to authorize him to trade as a pedler without license; which was read and referred to the committee on propositions and grievances.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Nov. 23, 1831.

To the Hon. the Speaker and members of the House of Representatives:

GENTLEMEN: I have received the resignation of Doct. Payton King, as a member of the Board of Internal Improvement, and recommend early elections to fill the vacancies in that board, as it will facilitate the forming a quorum; through which you will receive the report of the State Engineer. I have also received the resignation of Peter Walker as judge of the county court of Jefferson county. I have the honor to be,

[Signed]

SAM. B. MOORE.

Ordered, that said communication lie on the table.

Mr M'Rea presented the petition of Samuel B. White and others, of Franklin county, praying the passage of a law to correct mistakes in transcribing the work of the land commissioners; which was read and referred to the committee on propositions and grievances.

Mr Lane presented the petition of Amos Vincent of Limestone county, praying the passage of a law to legitimate and change the names of certain persons; which was read and referred to the committee on propositions and grievances.

Mr M'Vay presented the petition of Richard Darby of Lauderdale county, praying the passage of a law to emancipate a certain slave named Quilla; which was read and referred to a select committee to consist of Messrs M'Vay, Craig and M'Rea, to consider and report thereon.

Mr Ward presented the petition of sundry citizens of Dale county, praying the passage of a law to authorize the building a bridge across the Chattahoochy near John Ards; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr M'Rea presented the petition of Thomas Aldridge and others, purchasers of university lands in the Tennessee Valley, praying relief; which was read and referred to the committee on education.

Agreeably to a resolution, Mr Speaker proceeded to appoint the following standing committees, to wit:

A committee on privileges and elections, to consist of Messrs Rather, Brodnax, Boyd, Hall of A. and Abernathy.

A committee on propositions and grievances, to consist of Messrs Harris, Campbell, Craig, Augustus, Drish and Faulk.

A committee on enrolled bills, to consist of Messrs Watkins, Lane, Herbert, Riddle, Paul and Hays.

A committee on inland navigation, to consist of Messrs Oliver of M. King of M. Philpot, Lea and Goynes.

A committee on roads, bridges and ferries, to consist of Messrs Hubbard, King of P. Saunders of L. Foster, Swink and Snedcor.

A committee on ways and means, to consist of Messrs Oliver of C. Peete, Erwin, Moffett and Payne.

A committee on the military, to consist of Messrs Carroll, Toulmin, Farrar, Lea, Goodwin and Nabors.

A committee on the judiciary, to consist of Messrs Dellet, M'Kinley, Oliver of C. Hubbard and Harris.

A committee on county boundaries, to consist of Messrs Brodnax, Kilpatrick, Norwood, Musgrove, Ross and Walker.

A committee on education, to consist of Messrs M'Kinley, Oliver of M. Herbert, Peete, Paul and Watkins.

A committee on accounts, to consist of Messrs Lane, Rugely, Wilkinson, Fontaine, M'Asce and Hall of B.

A committee on divorce and alimony, to consist of Messrs Cook, M'Rea, Shackleford, Hickman and Hays.

A committee on the State Bank, to consist of Messrs Fontaine, Dellet, Cook, Acklen, Rugely and Saunders of D.

A committee on the State Capitol, to consist of Messrs Philpot, Lockhart, Tarrant, Stephens, Terrell and Johnston.

A committee on Indians and Indian affairs, and on lands in the possession of Indians within the chartered limits of the State, to consist of Messrs Baker, Campbell, King of M. Keener, Hollis and Shearer.

A committee on lands appropriated for internal improvement, to consist of Messrs Acklen, M'Vay, Rather, Saunders of L. Payne, Gilbreath and Abernathy.

A committee on public printing, to consist of Messrs Craig, Baker, Loyd, M'Collum, Moore and Ward.

A joint committee on the Comptroller and Treasurer's offices, to consist of Messrs Riddle, Erwin and Moffett.

Mr Watkins presented the petition of sundry citizens of Covington county, praying that a certain fine imposed on William Sparlin, tax collector of Covington county, may be remitted; which was read and referred to the committee on propositions and grievances.

Mr Wilkinson presented the account of Jesse Doyle, jailer of Clarke county; also the account of John Bowler, former sheriff of said county; they were severally read and referred to the committee on accounts.

Mr King of P. presented the account of Anderson West, former jailer of Perry county; which was read and referred to the committee on accounts.

Mr Shearer presented the account of Michael Shaffer, jailer of Blount county; which was read and referred to the committee on accounts.

Mr Lane presented the petition of Covington Edmondson of Limestone county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr M'Vay presented the account of George W. Sneed, Lewis Edwards and Martin Harkins of Lauderdale county; they were severally read and referred to the committee on accounts.

Mr Boyd presented the account of James W. Davis, sheriff of Bibb county, as also the account of James B. Clark; they were severally read and referred to the committee on accounts, to consider and report thereon.

Mr Tarrant presented the account of Smith L. Young, jailer of Shelby county; which was read and referred to the committee on accounts.

Mr M'Ashee presented the account of Jesse Edwards, deputy sheriff of St. Clair county; which was read and referred to the committee on accounts.

Mr Lane presented the record and proceedings of the circuit court of Limestone county, in the case of James Levesque against Sarah Levesque for divorce; which was read and referred to the committee on divorce and alimony.

Mr Brodnax presented the account of Duncan M'Lean of Autauga county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Hall of B. presented the account of the sheriff of Baldwin county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr Toulmin presented the petition of Benjamin Williams, administrator of Samuel Newton, deceased, praying the passage of a law to authorize the sale of a certain tract of land therein described; which was read and referred to the committee on the judiciary.

Mr Keener presented the petition of sundry citizens of Pike county, praying the passage of a law to authorize another election for justices of the peace in beat No. 5, in said county; which was read and referred to the committee on propositions and grievances.

Mr Saunders of L. presented the petitions of sundry citizens of Limestone county, praying a repeal of the 10th section of an act entitled an act to provide for the leasing the sixteenth section, and for the application of the funds arising therefrom to the purposes of education, passed January 1st, 1823; which was read and referred to the committee on education.

On motion of Mr Rather: *Resolved*, that the Senate be now informed that this House is now ready to receive them for the purpose of ascertaining the votes given at the last election for Governor.

The Senate repaired to the Hall of the House of Representatives and took their seats, and then returned to the Chamber.

The hour of 12 o'clock having arrived, at which time agreeably to a rule of the House, the orders of the day should be taken up, Mr Dellet moved to suspend the rule; which was carried.

Mr M'Kinley offered the following: Mr M'Kinley moved that the papers, announced by the Speaker of the House as returns of the election of Governor directed to the Secretary of State, and which had been opened, be read for the information of the House. Mr Hubbard moved that the motion lie on the table; which was lost. Yeas 21—Nays 50.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy, Baker, Brodnax, Carroll, Craig, Goodwin, Herbert, Hubbard, Keener, Kilpatrick, King of P. Loyd, Musgrove, Norwood, Oliver of M. Paul, Rugely, Saunders of D. Shackelford, Swink and Ward.

Those who voted in the negative are, Messrs Speaker, Acklen, Augustus, Boyd,

Campbell, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goyne, Hall of B. Harris, Hay's, Hickman, Hollis, Johnston, King of M. Lane, Lea, Lockhart, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Nabors, Oliver of C. Payne, Peete, Philpot, Rather, Riddle, Ross, Saunders of L. Shearer, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Watkins, Wilkinson.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Thursday, Nov. 24, 1831.—The House met pursuant to adjournment.

Mr Musgrove presented the petition of Robert M'Murry, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee to consist of messrs Musgrove, Nabors and Brodnax.

Mr Farrar presented the account of David C. Frazier, jailer of St Clair county; which was read and referred to the committee on accounts.

Mr Moffett presented the account of Matthew F. Rainey, sheriff of Greene county; which was read and referred to the committee on accounts.

Mr Lea presented the account of George M. Palmer, jailer of Perry county; which was read and referred to the committee on accounts.

Mr Lea presented the account of J. B. Nave, sheriff of Perry county; which was read and referred to the committee on accounts.

Mr Rugely presented the petition of sundry citizens of Lowndes county, praying the passage of a law to establish an election precinct at Coleman and Armstrong's store; which was read and referred to the committee on privileges and elections to consider and report thereon.

Mr Rather presented the account of Cooley Whitney of Morgan county; which was read and referred to the committee on accounts.

Mr Lane presented sundry accounts of Aaron Reddus, jailer of Limestone county; which were severally read and referred to the committee on accounts.

Mr Ward presented the account of William Irwin of Henry county; which was read and referred to the committee on accounts.

Mr Abernathy presented the petition of Enoch H. M'Natt of Franklin county, praying the passage of a law authorizing him to so change the State road running from Bainbridge to Tuscaloosa, as to run on the east side of his buildings; which was read and referred to the committee on roads, bridges and ferries.

Mr Brodnax presented the petition of the executors of Allen Riley, deceased, late of Autauga county, praying the passage of a law to authorize the sales of certain lands therein described; which was read and referred to a select committee to consist of messrs Brodnax, Abernathy and Moffett, to consider and report thereon.

Mr Carroll presented the memorial of John Baird of Madison county, which was read and referred to the committee on propositions and grievances.

Mr Augustus presented the petition of the executor of Mordica Baldwin, deceased, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee to consist of messrs Augustus, Hall of B. and Fontaine, to consider and report thereon.

Mr Erwin presented the petition of Cornelius Rain, praying the passage of a law to establish a turnpike road to commence at the Mississippi State line near the bridge over Dog river, to the residence of Edward Chestang, and thence to Mobile; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Dellet introduced a joint memorial and resolutions of the General Assembly of the State of Alabama, to the Congress of the United States on the subject of the tariff laws; which was read. Mr Oliver of C. moved

that it be made the special order of the day for Tuesday week next, and be referred to a committee of the whole House on that day, and that one hundred copies thereof be printed; which was carried.

A message from the Senate by Mr Morton: Mr Speaker—I am instructed by the Senate to inform your honorable body, that they have adopted the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the two Houses will assemble in the Representative Hall on to-morrow at the hour of 12 o'clock for the purpose of electing two members of the Board of Internal Improvement, to fill the vacancies occasioned by the resignation of the honorable Charles Tate and Doct. Payton King, in which they ask the concurrence of your honorable body.

Mr Paul moved that the resolution lie on the table; which was carried.

Ordered, that messrs Musgrove, Gilbreath and Tarrant be added to the committee on Indians and Indian affairs.

On motion of Mr M'Kinley: *Resolved*, that so much of the Governor's message as relates to the Bank of the United States, be referred to a select committee, with power to prepare a memorial to the Congress of the United States on that subject: whereupon, messrs M'Kinley, Dellet, Oliver of C. Peete and Erwin, were appointed said committee.

Mr Baker offered the following resolution: *Resolved*, that a committee be appointed to be entitled a committee on the state of the Union and the Republic; which was lost.

On motion of Mr Rather: *Resolved*, that the doorkeeper be authorized to employ some mechanic to put a coalgrate in the clerk's office in the State Capitol.

Mr Speaker laid before the House a communication from the President of the Bank of the State of Alabama, which is as follows:

BANK OF THE STATE OF ALABAMA, TUSCALOOSA, NOV. 22, 1831.

To the Hon. the Speaker of the House of Representatives: SIR—Agreeably to the provisions of the 12th section of an act of the General Assembly, entitled, "An Act to establish the Bank of the State of Alabama," I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to said Bank, to wit:

Capital Stock of the Bank.....	\$739,458 50½
Notes in circulation.....	407,844 00
Moneys on deposit, to wit:	
To the credit of Internal Improvement Fund.....	\$205,308 51
" " President and Directors of Board of Internal Improvement.....	20,180 60
" " Common School Fund.....	30,701 85½
" " Individual Depositors.....	98,521 51
" " Partial payments.....	15,669 47—370,381 94½
Debts due the Bank on notes discounted....	\$907,563 22
Due on bills of exchange.....	328,504 16
Due from other Banks.....	63,555 57
Property real and personal.....	10,777 11
Cash, specie.....	169,638 26
" Notes of other Banks, principally United States.....	45,060 00

For the further information of the General Assembly, I beg leave to communicate the accompanying document, marked A, which exhibits the result of the operations of this institution for the last year, ending the 9th inst. all of which is respectfully submitted.

By order of the Board, JNO. L. TINDALL, *President*.

[A] An abstract of the annual settlement of the Books of the Bank of the State of Alabama, for twelve months ending 9th November, 1831, made under the direction of the President and Directors.

GAIN—By discount received for 12 months ending this day	\$70,797 92
" Interest received	4,064 35
" Premium received	1,896 12
" Profit and loss	9,638 66
	<hr/> \$86,397 05

LOSS.—To current expense for 12 months ending this day 6,140 69
Interest paid on the funds arising from the sale of
common school lands..... 1,304 19—7,444 88

Balance out of which dividends are declared in pro-
portion to stock..... \$78,952 17

TO WIT:

Dividend to State loans. Stock \$200,000 @ 11 87 \$23,735 14
“ University fund.
“ Stock 9th Nov. last \$128,654 36½
“ Increase 17th Jan. “ 16,473 47
“ “ 18th May “ 20,000 00
“ “ 11th July “ 10,000 00—\$175,127 83½....18,065 03
“ Three per cent. fund,
9th November last....96,354 77
Increase 18th March “15,155 37— 111,510 1412,503 85
“ Revenue fund Stock 207,688 49½....24,647 85—78,952 17
\$694,326 46½
Gross gain brought down.....\$86,397 05

DISBURSEMENTS.

To interest paid on State loans for 12 months ending
the 1st ultimo\$12,000 00
Do University fund “ “ “ this day 9,316 28
Do the funds arising from the sale of common school lands 1,304 19
Dividend to revenue fund “ “ as above \$24,647 85
This amount placed to the credit of revenue fund
being the gain after paying interest on State
loans 11,735 44
This amount placed to the credit of revenue fund
being the gain after paying interest on Universi-
ty fund..... 8,748 75
45,132 04

Dividend to three per cent. fund, carried to credit
of President and Directors of the Board of Inter-
nal Improvement..... 12,503 85
Current expense paid for 12 months ending this day 6140 69—\$86,397 05,

Statement showing the gross gain of the Bank for each year since its establishment.

	1825.	1826.	1827.	1828.	1829.	1830.	1831.	Total.
State loans interest - - -	6,000 00	6,000 00	6,000 00	6,000 00	6,000 00	9,000 00	12,000 00	51,000 00
University fund do. - - -	3,113 19	4,439 99	5,827 96	6,730 99	7,549 21	7,719 26	9,316 28	44,696 88
Revenue fund dividend - - -		9,741 11	11,915 28	23,375 69	17,888 69	30,293 76	45,132 04	138,346 57
Three per cent. fund do - - -		5,091 00	6,008 75	9,568 08	8,559 99	11,304 22	12,503 85	53,035 89
Seat of Government fund do. -		5,099 86	3,978 73	5,933 45	5,211 94	6,900 64		27,174 62
Current expense - - - - -	7,708 88	3,439 49	5,039 99	7,493 61	5,577 62	5,831 65	6,140 69	41,231 83
Common school fund - - - -						443 38	1,304 19	1,747 57
	16,822 67	33,811 45	38,770 71	59,151 82	50,787 45	71,492 91	86,397 05	357,233 41

DANIEL M. RIGGS, *Cashier.*

Bank of the State of Alabama, Tuscaloosa, Nov. 9, 1831.

To the Hon. the Senate and House of Representatives of the State of Alabama:

In conformity with the provisions of an act entitled, “an act to establish a Board of Internal Improvement for the State of Alabama,” approved 15th January, 1830, I have the honor herewith to submit an exhibit of the receipts and disbursements of the funds, subject to the order of the President and Directors of said Board, for the year ending 9th November inst.

By balance subject to their order, as per last report \$10,560 59
“ Cash received, being annual dividend paid by the Bank of the State
of Alabama, on the stock of the three per cent. fund.....12,503 85

\$23,064 44

DISBURSEMENTS.

To cash paid G. S. Gaines, omitted in last report.....	\$500 40
“ “ John Vining.....	100 00
“ “ Charles Tate.....	92 00
“ “ Wm. L. Antony.....	91 00
“ “ Sims & Scott.....	1 50
“ “ Wiley, McGuire & Henry.....	20 00
“ “ D. E. Watrous.....	74 00
“ “ J. Winston.....	45 00
“ “ R. S. Inge.....	5 00
“ “ Dade Massey.....	3 00
“ “ Peyton King.....	74 40
“ “ T. G. Newbold.....	60 00
“ “ D. Coleman.....	60 00
“ “ H. Center.....	60 00
“ “ S. Strudwick.....	108 00
“ “ Wm. Young.....	108 00
“ “ Wm. Nichols.....	1,892 25
“ “ D. Woodruff.....	90 31—2,883 84

Balance subject to the order of the Board..... \$20,180 60

DANIEL M. RIGGS, *Cashier*.

Bank of the State of Alabama, Tuscaloosa, Nov. 9, 1831.

Mr Campbell moved that the communication and accompanying documents lie on the table, and that five hundred copies be printed; which was carried.

A message was received from the Governor by James I. Thornton, which is as follows:

To the Hon. the Speaker and Members of the House of Representatives:

GENTLEMEN: I have received, and am requested to lay before your honorable body, the accompanying resolutions and documents from the State of Maine in relation to the northeastern boundary of said State, and of the United States. I have the honor to be,

[Signed,]

SAM. B. MOORE.

Ordered, that the message with the accompanying documents, lie on the table.

Mr Speaker laid before the House the record and proceedings of the circuit court of Limestone county, in the case of John R. Murphry against Lucy Murphry for divorce: also, the record of the circuit court of Walker county, in the case of Jackson Pate against Mahala Pate for divorce; which were severally read and referred to the committee on divorce and alimony.

A message from the Senate by Mr Conner: Mr Speaker—I am instructed to inform the House of Representatives, that the Senate have appointed messrs Edmondson, Smith and Lawler, to act jointly with the committee appointed on the part of the House of Representatives, for the purpose of examining into and reporting upon the situation and condition of the Treasurer and Comptroller's offices. *Ordered*, that said message lie on the table.

Mr Baker introduced a bill to be entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes; which was read and ordered to a second reading to-morrow.

Mr Baker introduced a bill to be entitled an act in relation to slaves and for other purposes; which was read and ordered to a second reading to-morrow.

The hour of 12 o'clock having arrived, Mr Craig moved that the orders of the day be suspended; which was carried.

Mr Lea offered the following resolution: *Resolved*, that with the con-

currence of the Senate the two Houses will to-day at 3 o'clock, assemble in the Representative Hall and proceed to enumerate and ascertain the number of votes given for Governor, waving all formalities in the different returns of sheriffs. Mr Baker moved to amend the resolution by striking out all after the word "Senate," with the view to insert the following: "The two Houses will meet in the Representative Hall on to-morrow at 12 o'clock for the purpose of counting those votes given for Governor which have been directed to the Speaker of the House of Representatives. Mr Baker asked leave to withdraw the amendment; which was disagreed to. Yeas 20—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy, Baker, Brodnax, Craig, Goodwin, Harris, Herbert, Hubbard, Keener, Lane, Musgrove, Norwood, Oliver of M. Paul, Rugely, Saunders of D. Shackleford, Swink, Tarrant and Ward.

Those who voted in the negative are, Messrs Speaker, Acklen, Augustus, Boyd, Campbell, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goyne, Hall of B. Hays, Hickman, Johnston, Kilpatrick, King of M. Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Nabors, Oliver of C. Payne, Peete, Philpot, Rather, Riddle, Ross, Saunders of L. Shearer, Snedcor, Stephens, Terrell, Toulmin, Walker, Watkins, Wilkinson.

The question was then put on the adoption of mr Baker's amendment, and lost. Yeas 16—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Baker, Brodnax, Carroll, Craig, Goodwin, Herbert, Keener, Oliver of M. Paul, Peete, Rugely, Saunders of D. Shackleford Ward, Rather.

Those who voted in the negative are, Messrs Abernathy, Acklen, Augustus, Boyd, Campbell, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goyne, Hall of B. Harris, Hays, Hickman, Hollis, Hubbard, Johnston, Kilpatrick, King of M. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Payne, Philpot, Riddle, Ross, Saunders of L. Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Watkins, Wilkinson.

Mr Lea moved to amend the resolution by striking out the words "to-day at 3 o'clock," with the view to insert "to-morrow at 12 o'clock;" which was carried.

Mr Hubbard moved to amend the resolution by striking out all after the word "resolved," with a view to insert the following: "that the Secretary of State be required forthwith to send officially to the Speaker of this House a statement, designating from what particular counties in this State returns of the votes for Governor have been received and directed to him: That he further state whether they came into his possession sealed, whether they remained in his possession without alteration until communicated to the Speaker of this House; which was lost. Yeas 4—Nays 67.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy, Brodnax, Hubbard, Norwood.

Those who voted in the negative are, Messrs Speaker, Acklen, Augustus, Baker, Boyd, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Mr Philpot offered the following proviso: "*Provided*, they are properly certified by the returning officers of the different counties;" which was adopted.

The question was then on the adoption of the resolution as amended, and carried. Yeas 56—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acklen, Augustus, Boyd, Campbell, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Hays, Hickman, Hollis, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Payne, Philpot, Rather, Riddle, Saunders of L. Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Those who voted in the negative are, Messrs Speaker, Abernathy, Baker, Brodnax, Carroll, Craig, Herbert, Keener, Oliver of M. Paul, Peete, Ross, Rugely, Saunders of D. Shackelford.

Mr M'Kinley asked leave to withdraw the motion made on yesterday on the subject of the returns of the election for Governor; which was granted.

Mr Lane introduced a resolution recommending Andrew Jackson's reelection to the Presidency of the United States; which was read. Mr Paul moved that the resolution lie on the table, and that one hundred copies be printed for the use of the House; which was carried.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Friday, Nov. 25, 1831.—The House met pursuant to adjournment.

Mr Cook presented the account of John Taylor, sheriff of Butler county; which was read and referred to the committee on accounts.

Mr Payne presented the petition of Daniel Ramsey, praying to be divorced from his wife Margaret; which was read and referred to a select committee to consist of messrs Payne, Herbert and Cook.

Mr Swink presented to the account of Henry Norwood, sheriff of Jackson county; which was read and referred to the committee on accounts.

Mr Hall of B. presented the account of Joseph Hall, sheriff of Baldwin county; which was read and referred to the committee on accounts.

Mr Harris, from the committee on propositions and grievances to which was referred the petition of Covington Edmondson, reported a bill to be entitled an act to authorize Covington Edmondson to emancipate a certain slave therein named; which was read a first time and ordered to a second reading on to-morrow.

The same committee to which was referred the petition of Amos Vincent, reported a bill to be entitled an act to change the names of, and to render legitimate certain persons therein named; which was read and ordered to a second reading to-morrow.

Mr Harris made the following report: The committee on propositions and grievances to whom was referred the petition of Buckner Williams, captain of beat No. 5, in the county of Pike, praying the passage of a law having for its object a new election for justices of the peace in said beat, and the dissolution of two elections which have already taken place in pursuance of law, and that such a law is by the petitioner and many other citizens of the county of Pike, believed to be necessary, "that strife may cease in said beat, and men be put in office whose judgments will be valid and binding," have given the subject that attention which its importance demands, and have instructed me to report, that they are ignorant of any power vested in the Legislature by the constitution, which would authorize the *nullification* of the elections which have already been legally held. They therefore, ask to be discharged from the further consideration of the subject; which was granted.

Mr Hays presented the account of Asa Hammond; which was read and referred to the committee on accounts.

Mr Campbell, from the committee on propositions and grievances to which was referred the petition of Samuel B. White and others, reported

that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Augustus, from the committee on propositions and grievances to which was referred the petition of the commissioners of roads and revenue of Covington county, reported that it is inexpedient to legislate on that subject, and ask leave to be discharged from the further consideration thereof. Mr Oliver of C. moved that the report lie on the table; which was carried.

Mr M'Rea, from the select committee to which was referred the petition of the judge of the county court of Franklin county and commissioners of roads and revenue, reported a bill to be entitled an act to provide for the support of the paupers of Franklin county; which was read and ordered to a second reading to-morrow.

A message from the Senate by Mr Morton: Mr Speaker—The Senate concur in the resolution of the House, to convene in the Hall of the House of Representatives for the purpose of examining the votes given for Governor at the last general election, and have amended the same by striking out the words "to-morrow," and inserting "this day;" in which amendment they ask the concurrence of the House.

Ordered; that the House concur in the amendment made by the Senate, to said resolution.

Mr M'Vay, from the select committee to which was referred the petition of Richard Darby, reported a bill to be entitled an act to authorize Richard Darby to emancipate a certain slave therein named; which was read and ordered to a second reading to-morrow.

Mr Acklen, from the select committee to which was referred the petition of sundry purchasers and inhabitants of township two, range one, east of the basis meridian of Huntsville, reported a bill to be entitled an act for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian in the land district of Huntsville; which was read and ordered to a second reading to-morrow.

Mr Rugely, from the select committee to which was referred the petition of Mary Ann Measle and George Thagard, reported a bill to be entitled an act to authorize the administrators of James Ringstaff, late of Lowndes county, deceased, to make titles to certain land therein named; which was read and ordered to a second reading to-morrow.

Mr Riddle introduced a bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830; which was read and ordered to a second reading to-morrow.

Mr Speaker laid before the House, the record and proceedings of the circuit court of Marengo county, in the case of Wooden M. Burge against Nancy Burge for divorce; which was read and referred to the committee on divorce and alimony.

Mr Lea offered the following preamble and resolution: *Whereas*, a considerable quantity of public lands lying in Perry county, that have heretofore been surveyed, and said surveys not returned to the General Land Office of the United States: *And whereas*, a considerable number of respectable citizens have located said lands, and are, agreeable to an act of Congress, entitled to preemption privileges to enter a certain quantity of lands at the minimum price of government lands in this State, but under existing circumstances the Register and Receiver of the Land Office in the district in which those lands lay, are not authorized to receive money from those persons for their homes, on account of which they are barred

from obtaining patents for their lands, consequently must be left in an extremely embarrassed situation: *Be it therefore resolved by the House of Representatives*, that a committee be appointed to draft a suitable memorial to the Congress of the United States, embracing the peculiar situation of those persons, and pray that some mode may be adopted, whereby those persons may be permitted to pay for their lands as the act of Congress requires; which was adopted. Mr Lea moved that the resolution be referred to the same committee to which was referred, a resolution introduced by Mr Hubbard on the subject of the public lands; which was carried.

Mr Saunders of D. introduced a bill to be entitled an act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate; which was read and ordered to a second reading to-morrow.

Mr Hickman introduced a bill to be entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison; which was read and ordered to a second reading to-morrow.

A message from the Senate by Mr Conner: Mr Speaker—The Senate concur in the amendment to the resolution of the Senate, proposing to go into the election of judges of the county courts of the counties of Jefferson, Wilcox, Marengo, Henry and Dale, wherein the word Dallas is inserted after the word Dale. They also concur in the amendment by striking out "this day at 12 o'clock," and inserting "Friday at the hour of 3 o'clock, P. M." I am also instructed to inform the House of Representatives, that the Senate have appointed messrs Hogan, Walthall and Edmondson, a committee on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, for the purpose of examining and reporting upon the situation and condition of the Bank of the State of Alabama.

Ordered, that said message lie on the table.

On motion of Mr Oliver of M. *Resolved*, that the judiciary committee be requested to inquire into the expediency of so altering the patrol laws as to place the appointment and regulation of patrols under the jurisdiction of the magistrates of the several beats in this State, and that they report as soon as practicable to this House, by bill or otherwise.

On motion of Mr Payne: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on Saturday the 26th instant, at 11 o'clock, for the purpose of electing a solicitor for the 7th judicial circuit of the State of Alabama.

Mr Saunders of L. introduced a bill to be entitled an act for the support of paupers; which was read and ordered to a second reading to-morrow.

Mr Baker introduced a bill to be entitled an act for the relief of Sterling E. Harrison; which was read and ordered to a second reading to-morrow.

On motion of Mr Hickman: *Resolved*, that the committee on education be instructed to inquire into the expediency and constitutionality of dividing the university fund, so as to provide for the establishment of preparatory schools in each of the counties of this State, and for the more general application of said fund.

Mr Rather introduced a bill to be entitled an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed 13th of January, 1827; which was read and ordered to a second reading to-morrow.

On motion of mr Erwin: *Resolved*, that a committee on emancipation be added to the present standing committees of this House; whereupon messrs Herbert, Erwin, Oliver of M. Paul, Campbell and Augustus, were appointed said committee.

Mr Drish introduced a bill to be entitled an act more effectually to secure the payment of costs of suits in certain cases; which was read and ordered to a second reading to-morrow.

On motion of mr Johnston: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of giving magistrates the right of summoning a jury of twelve men, and they to have jurisdiction to try all cases of assault and battery where there is no intent to kill, riots, routs, and unlawful assemblies and breaches of the peace, with leave to report by bill or otherwise.

On motion of mr Johnston: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of drafting a bill containing a list or table of all the Latin words, phrases or technicalities in our Statute Books in alphabetical order, with their English significations, inserted between brackets next after the insertion of any and all Latin words, or provide that the same may be done; with leave to report by bill or otherwise.

Mr Hubbard introduced a bill to be entitled an act to provide for, and set apart a special fund for the establishment of preparatory schools in each county in this State; which was read a first time. Mr Paul moved that it lie on the table and that five hundred copies be printed; which was carried.

Mr Erwin introduced a bill to be entitled an act to authorize the appointment of commissioners to take the acknowledgement of deeds and instruments of writing, and the depositions of witnesses out of this State; which was read and ordered to a second reading to-morrow.

On motion of mr Hickman: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the constitution of the State of Alabama, as to extend the jurisdiction of justices of the peace over all sums not exceeding one hundred dollars.

Mr Hubbard introduced a bill to be entitled an act to regulate the fees of the clerks and attorneys of the supreme court; which was read and ordered to a second reading to-morrow.

On motion of mr Musgrove: *Resolved*, that the military committee be instructed to inquire into the propriety of compelling all officers commanding militia companies in this State, to hold their company musters at least four times or more, in each year; and compel all privates who have fire-arms, to carry them to all parades, under the penalty on failuer, of a reasonable fine; with leave to report by bill or otherwise.

On motion of mr Johnston: *Resolved*, that the committee on public lands be instructed to inquire into the expediency of adding to any memorial that they may report, a petition for those who now hold certificates of land, to be permitted to draw scrip as heretofore, and which scrip may be received in payment for the same, or any other lands.

On motion of mr Boyd: *Resolved*, that this House will, on to-morrow at 12 o'clock, proceed to elect a committee of three members, to act with the committee that has been appointed on the part of the Senate, to examine the situation of the State Bank, according to an act of the General Assembly in such case made and provided.

On motion of mr Campbell: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of providing by law

for allowing writs of error from the decisions of circuit and county courts, in granting or refusing to grant new trials in civil causes; with leave to report by bill or otherwise.

On motion of mr Paul: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so altering the law as to make slaves and free persons of color triable only before a court to be composed of justices of the peace and freeholders.

Mr Brodnax introduced a joint resolution in relation to persons residing on the public lands in this State; which was read and ordered to a second reading to-morrow.

On motion of mr Boyd: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law to prevent the further introduction of slaves into this State; with leave to report by bill or otherwise.

Mr Toulmin presented the petition of Simon Andrey of the city of Mobile, praying the emancipation of his son Romeo; which was read and referred to the committee on emancipation to consider and report thereon.

Mr Toulmin presented the petition of Francisco Constantine, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

On motion of mr Payne: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of applying a part of the profits arising from the stock of the State Bank, to the payment of the current expenses of the State of Alabama; and that they report by bill or otherwise.

On motion of mr Stephens: *Resolved*, that the military committee be instructed to inquire into the expediency of establishing four musters in one year, to wit: two company musters, one brigade and one battalion, forbidding any captain the right of compelling his company to meet any oftener; with leave to report by bill or otherwise.

Ordered, that mr Lea be added to the committee appointed on the subject of the public lands.

Ordered, that messrs M'Afee, Loyd and Augustus, be added to the committee on Indians and Indian affairs.

Mr Wilkinson introduced a bill to be entitled an act to change the times of holding the county courts of Clarke county; which was read and ordered to a second reading to-morrow.

Mr Lockhart introduced a bill to be entitled an act to change the name of a certain person therein named; which was read and ordered to a second reading to-morrow.

Mr Fontaine introduced a bill to be entitled an act to exempt physicians and others from military duty; which was read and ordered to a second reading to-morrow.

On motion of mr Hollis: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt; with leave to report by bill or otherwise.

Mr Oliver of M. introduced a bill to be entitled an act relating to the working of roads and other purposes; which was read and ordered to a second reading on to-morrow.

On motion of mr Craig: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law more properly to define the manner in which appeal cases shall be docketed in the courts above, and who shall be liable to pay costs in such cases.

On motion of mr Paul: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so altering the law as to take from the county courts of this State, all jurisdiction which they have concurrent with the circuit court.

On motion of mr Baker: *Resolved*, that the committee on the state capitol report to this House, what amount of the appropriation made by the last Legislature for the completion of the state capitol have been expended, and what work has been done, and whether or not those individuals who made gifts of lots to the State, have made title to the same.

Mr Brodnax called up the resolution from the Senate, proposing to go into the election of members of the board of internal improvement. Mr M'Kinley moved to lay it on the table; which was carried.

On motion of mr Hubbard: *Resolved*, that the Senate be now informed that this House is now ready to receive them in their Hall, for the purpose of examining and publishing the votes given for Governor of this State, at the last general election.

On motion of mr Hall of B. *Resolved*, that the comptroller of public accounts be required to furnish to this House a statement of the amount received for taxes on cattle during the three last years.

Mr Acklen introduced a bill to be entitled an act to repeal an act to regulate trials before justices of the peace, approved the 31st December 1830; which was read and ordered to a second reading to-morrow.

The hour of 12 o'clock having arrived, mr Herbert moved that the orders of the day be suspended; which was carried.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, mr Speaker proceeded to open and publish returns from the several counties from which returns had been received; which having been done, mr speaker declared John Gayle, Esq. to have received fourteen thousand four hundred and three votes, Nicholas Davis, eight thousand one hundred and thirty-seven votes, and Samuel B. Moore, three thousand six hundred and forty-three votes: John Gayle, Esq. having received a majority of votes, Mr Speaker therefore arose and announced that John Gayle, Esq. was duly and constitutionally elected Governor of the State of Alabama for the ensuing two years: And then the Senate withdrew.

On motion of mr Abernathy: *Resolved*, that a committee of three members be appointed, to act with such committee as may be appointed on the part of the Senate, to wait on John Gayle, Esq. Governor elect, and inform him that the two Houses of the General Assembly, have this day in the Representative Hall, proceeded to count the votes given for Governor at the late August election; and that upon such count it has been published by mr Speaker, that he has been constitutionally elected Governor for the State of Alabama, for the succeeding term of two years from his installation, and until his successor shall be duly qualified: and to inform this House when it will be convenient for him to take the oaths of office; whereupon, messrs Abernathy, M'Vay and Hays were appointed said committee.

Mr Hays introduced a joint resolution, directing the solicitor of the first circuit to prosecute the sheriff of Monroe county; which was read and ordered to a second reading to-morrow.

And then the House adjourned to half past 2 o'clock this evening.

Evening session, half past 2 o'clock.—The House met pursuant to adjournment.

On motion of mr Stephens: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of passing a law au-

thorizing the several counties of this State, the right of disposing of all the moneys arising from tavern license, and license for retailing spirituous liquors; with leave to report by bill or otherwise.

A message from the Senate by Mr Conner: Mr Speaker—I am instructed to inform the House, that the Senate have appointed messrs Bridges, Hogan and Erwin of G. a committee on their part, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency, John Gayle, and inform him that he has been declared to be duly elected Governor of the State of Alabama; and to ascertain from him, when it will be convenient for him to be inaugurated.

Mr Rather moved that the message lie on the table; which was carried.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, with the concurrence of the House of Representatives, that the two Houses will assemble in the Representative Hall at the hour of 3 o'clock, P. M. of this day, for the purpose of electing two members of the board of internal improvement, to fill the vacancies of the Honorable Charles Tate, and Doctor Payton King, resigned.

Mr M'Kinley moved that the message lie on the table; which was carried.

On motion of Mr Hubbard: *Ordered*, that messrs Stephens and Swink be added to the committee on Indians and Indian affairs.

Mr Baker offered the following resolution: *Resolved*, that a committee be appointed to be entitled a committee on state and federal relations. Mr Dellet moved that the resolution lie on the table; which was carried.

On motion of Mr Hubbard: *Resolved*, that the Senate be now informed that this House is now ready to receive them in their Hall, for the purpose of electing judges of the county courts for the counties of Jefferson, Wilcox, Marengo, Henry, Dale and Dallas.

Ordered, that Mr Peete be added to the judiciary committee, on the motion of Mr Dellet.

The Senate having repaired to the Hall of the House of Representatives, and having taken their seats, the two Houses proceeded to the election of a judge of the county court of Jefferson county: John Brown (red) Esq. alone being in nomination. For Mr Brown 89 votes.

Those who voted for Mr Brown are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Colium, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

John Brown having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of the county of Jefferson.

The two Houses then proceeded to the election of a judge of the county court of the county of Wilcox: John W. Wilson being in nomination.—For John W. Wilson 92 votes.

Those who voted for Mr Wilson are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine,

Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Watkins, Walker, Ward, Wilkinson.

John W. Wilson having received all the votes given, was declared duly elected judge of the county court of Wilcox county.

The two Houses then proceeded to the election of a judge of the county court of the county of Marengo: Shelly Corzine being in nomination.—Corzine 90 votes.

Those who voted for Mr Corzine are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Erwin of G. Edmondson, Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Shelly Corzine having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of Marengo county.

The two Houses then proceeded to the election of a judge of the county court of the county of Henry: John H. Gilmore being in nomination.—For Gilmore 90 votes.

Those who voted for Mr Gilmore are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, and Wilkinson.

Mr Gilmore having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of the county of Henry.

The two Houses then proceeded to the election of a judge of the county court of the county of Dale: William Harper being in nomination.—

Mr Harper received 90 votes.

Those who voted for Mr Harper are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Affee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Harper having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Dale county.

The two Houses then proceeded to the election of a judge of the county court of Dallas county: Richard S. Clinton being in nomination: For Mr Clinton 90 votes.

Those who voted for Mr Clinton are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goynes, Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Clinton having received all the votes given, was declared by Mr Speaker to be duly elected judge of the county court of the county of Dallas:— And then the Senate withdrew.

Mr Abernathy made the following report:—The joint committee of the two Houses, appointed to wait on the Governor elect, and inform him that he is elected Governor of the State of Alabama, and to ask him when it will be convenient for him to be inaugurated, have performed that duty, and received for answer that he will take the oaths of office on to-morrow at 12 o'clock. Mr Craig moved that the report lie on the table; which was carried.

Mr Hubbard called up Mr Baker's resolution, proposing to appoint a committee on state and federal relations; and the question being put, shall this resolution pass? it was determined in the negative. Yeas 27—Nays 41.

Those who voted in the affirmative are, Messrs Speaker Abernathy Baker Brodnax Carroll Cook Craig Fontaine Goodwin Hall of B. Harris Herbert Hubbard Keener Lane Lea Moore Musgrove Oliver of M. Paul Rather Rugely Saunders of D. Saunders of L. Shackleford Swink Ward.

Those who voted in the negative are, Messrs Acklen Augustus Boyd Campbell Dellet Drish Erwin Faulk Farrar Foster Gilbreath Goynes Hays Hickman Hollis Johnston Kilpatrick King of M. Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Nabors Norwood Oliver of C. Payne Peete Philpot Riddle Shearer Snedcor Tarrant Terrell Toulmin Walker Watkins Wilkinson.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, that with the concurrence of the House of Representatives, a committee of three members be appointed on the part of the Senate for the purpose of waiting on his Excellency, the Governor elect, when the hour of 12 o'clock shall arrive on to-morrow, and to inform him that the two Houses are ready to receive him in the Representative Hall, for the purpose of witnessing the administration of the oaths of office; and the concurrence of the House of Representatives be requested to the same; and have on their part appointed messrs Bridges, Hogan and Erwin, said committee.

Mr Rather moved that the message lie on the table; which was carried.

Mr Speaker laid before the House a communication from the comptroller of public accounts, which is as follows:

COMPTROLLER'S OFFICE, TUSCALOOSA, Nov. 25, 1831.

Hon. Speaker of the House of Representatives:

SIR:—I respectfully submit through you, to the honorable body over which you preside, the accompanying exhibit, as a full expose of the disbursements from the contingent fund, required of me within the first week of the session of the Legislature, by the act of the 12th of January, 1827.

I have the honor to be, &c.

GEO. W. CRABB, *Compt. P. A.*

Mr Cook moved that the communication and accompanying documents lie on the table, and that seventy-two copies of the same be printed for the use of this House; which was carried.

And then the House adjourned till 10 o'clock to-morrow, A. M.

Saturday, Nov. 26, 1831.—The House met pursuant to adjournment.

A message from the Senate by Mr Morton: Mr Speaker—I am instructed by the Senate, to inform your honorable body, that they concur in the resolution of the House, resolving to assemble in the Representative Hall on this day, at the hour of eleven o'clock, for the purpose of electing a solicitor for the 7th judicial circuit of the State of Alabama. Mr Rather moved that the resolution lie on the table; which was carried.

Mr Rather called up the resolution from the Senate, appointing a committee to wait on the Governor elect, and to inform him that the two Houses are ready to receive him in the Representative Hall, for the purpose of witnessing the administration of the oaths of office. Mr Hubbard moved to amend it by inserting the words "to act with such committee as may be appointed on the part of the House;" which was agreed to: the resolution as amended, was then concurred in. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Cook presented the petition of sundry citizens of Butler county, praying the change of a certain election precinct in said county; which was read and referred to the committee on privileges and elections to consider and report thereon.

Mr Acklen presented the petition of Joseph G. Garrett and James W. Hill, of Madison county, praying the passage of a law to authorize them to build a mill dam across Paint rock river; which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr M'Collum presented the account of C. C. Thompson, sheriff of Fayette county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Moffett presented the petition of Thomas H. Hutchins, guardian of Washington Paul Hutchins, praying the passage of a law to authorize the sale of certain lands therein described; which was read and referred to a select committee to consist of messrs Moffett, Toulmin and Snedcor, to consider and report thereon.

Mr Carroll presented the accounts of William Howson, late jailer of Madison county; which were severally read and referred to the committee on accounts.

Mr Saunders, from the select committee to which was referred the certificate, together with other papers, of sundry citizens of Limestone county, praying the passage of a law to emancipate a certain negro man Ellis, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read and ordered to a second reading.

Mr Musgrove, from the select committee to which was referred the petition of Robert M'Murray, reported a bill to be entitled an act to manumit certain slaves therein named; which was read and ordered to a second reading.

Mr M'Kinley introduced a bill to be entitled an act to incorporate the Florence bridge company; which was read and ordered to a second reading.

On motion of Mr Stephens: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of appropriating so much of the State revenue, as will pay grand jurors in the several counties of this State; with leave to report by bill or otherwise.

On motion of Mr King of M. *Resolved*, that the Senate be informed that the House is now ready to receive them, for the purpose of going into the election of solicitor for the 7th circuit. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of mr Rather: *Resolved*, that the doorkeeper procure a suitable table for the principal clerk of this House.

Mr Lane introduced a bill to be entitled an act for the relief of the Limestone Guards; which was read and ordered to a second reading.

Mr Rather introduced a bill to be entitled an act to authorize certain persons therein named to erect a bridge across Flint creek in Morgan county; which was read and ordered to a second reading.

On motion of mr Baker: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of appointing inspectors of roads in each county in this State, who shall on oath, report to each circuit court, the condition of the roads, and what pay shall be allowed them; with leave to report by bill or otherwise.

Mr Augustus introduced a bill to be entitled an act to authorize Robert Hobdy, colonel commandant of the forty-second regiment of the Alabama militia, to form a company beat with a less number than forty privates, in the county of Pike; which was read and ordered to a second reading.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a solicitor of the 7th judicial circuit: James Davis and Rufus K. Anderson being in nomination. For mr Davis, 53 votes:—For mr Anderson 39 votes.

Those who voted for Mr Davis are, Messrs Barclay, Bridges, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. M' Elderry, Morton, Pickett, Smith, Vining. Reps. Abernathy, Augustus, Boyd, Campbell, Drish, Erwin, Faulk, Farrar, Goodwin, Hays, Hollis, Hubbard, Johnston, Kilpatrick, King of M. Lockhart, Loyd, M' Afee, M' Collum, M' Kinley, M' Rea, M' Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Payne, Philpot, Rather, Shearer, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward, Wilkinson.

Those who voted for Mr Anderson are, Messrs President, Abercrombie, Conner, Hemphill, Lawler, Perry, Powell, Walthall. Reps. Messrs Speaker, Acklen, Baker, Carroll, Cook, Craig, Dellet, Fontaine, Foster, Gilbreath, Goynes, Hall of B. Harris, Herbert, Hickman, Keener, King of P. Lane, Lea, Oliver of M. Paul, Peete, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Swink, Stephens, Watkins.

James Davis having received a majority of votes, mr Speaker declared him duly elected solicitor of the 7th judicial circuit for the next ensuing four years. And then the Senate withdrew

Mr Hays introduced a bill to be entitled an act to repeal in part an act entitled an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this State, and for other purposes therein mentioned, passed December 24, 1822; which was read and ordered to a second reading.

Mr Riddle offered the following preamble and resolution: *Whereas*, much inconvenience is experienced from the Trustees of the University of this State living at a distance from said institution: *Resolved*, that the committee on education be instructed to inquire into the expediency of altering the mode of electing Trustees, so as to elect them indiscriminately from any part of the State, and the expediency of increasing their number, with leave to report by bill or otherwise; which was adopted.

On motion of mr Erwin: *Resolved*, that the judiciary committee be instructed to examine into the propriety of repealing the duelling laws of this State; with leave to report by bill or otherwise.

Mr Tarrant introduced a bill to be entitled an act to alter the time of holding the courts of revenue and roads of the county of Shelby; which was read and ordered to a second reading.

On motion of mr Cook: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law, for the compensation of tales jurors in the circuit courts.

On motion of Mr King of P: *Resolved*, that the select committee to whom sundry resolutions have been referred to on public lands, inquire into the propriety of embodying in said resolution and asking congress to pass a law granting four annual instalments on all lands subject to entry.

Mr Abernathy introduced a bill to be entitled an act concerning cost; which was read and ordered to a second reading.

On motion of mr King of P: *Resolved*, that the judiciary committee be instructed to inquire into the propriety of adding fifteen regular pannel jurors in each county in addition to the number already authorized by law, with leave to report by bill or otherwise.

On motion of mr Baker: *Resolved*, that the judiciary committee inquire into the expediency of granting by law for the holding of extra terms of the circuit courts, for the trial of criminals in cases notailable.

On motion of Mr Dellet: *Resolved*, that the judiciary committee inquire into the propriety of altering the time of holding the circuit courts in the first, sixth, and second circuits of this State.

Mr M'Rea introduced a bill to be entitled an act to change the name of James Franklin Cooper, and others; which was ordered to a second reading.

Mr Keener introduced a bill to be entitled an act to amend an act approved the 20th January 1830, authorizing Samuel Swilly and others, to mark out a road leading through that part of Pike county now occupied by the Creek Indians; which was read and ordered to a second reading.

Mr Craig offered the following resolution: *Resolved*, that this House will at the hour of one o'clock this day proceed to elect a messenger, who shall be entitled to such compensation as shall be thought proper. Mr Harris moved to amend it by striking out the words "such compensation as may be thought proper" with the view to insert "three dollars per day for his services;" which was carried. The resolution as amended was then adopted.

A message from the Senate by mr Conner: Mr Speaker—The Senate concur with the House of Representatives in the amendments proposed by the House to the resolutions of the Senate appointing a committee to wait on his Excellency at the hour of 12 o'clock. *Ordered*, that the resolution lie on the table.

On motion of mr Hickman: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of requiring by law that all warrants issued by justices of the peace, shall be served on the defendants at least three days previous to the days upon which they are made returnable.

On motion of mr Riddle: *Resolved*, that the committee on Indians and Indian affairs, be instructed to inquire into the expediency of passing a bill separate and apart from the main bill, extending the civil and criminal jurisdiction of this State over the white population alone who have settled on the Choctaw lands lying within the chartered limits of this State, with leave to report by bill or otherwise.

On motion of Mr Philpot: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of amending the present road-law, so that no person shall be compelled to work more than six days in any one year.

Mr Drish introduced a bill to be entitled an act to amend an act altering the boundry line between the counties of Bibb and Tuscaloosa, approved January 18th, 1831; which was read and ordered to a second reading on to-morrow.

On motion of mr Lane: *Resolved*, that the Rev. A. Woods, be invited to attend in this House for the purpose of officiating as chaplain at the installation of the Governor.

On motion of mr M'Collum: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of abolishing a poll tax, with leave to report by bill or otherwise.

Mr Campbell, who voted in the majority upon discharging the committee on propositions and grievances from the further consideration of the petition of Samuel B. White and others, moved to reconsider the vote; which was carried. The petition was then recommitted to the same committee to consider and report thereon.

On motion of mr Augustus: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of taking off the taxes on cattle, in the several counties of this State.

On motion of mr Norwood: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of changing the mode of assessing and collecting taxes in this State, by making it the duty of justices of the peace to assess and the sheriff to collect, with leave to report by bill or otherwise.

Mr Brodnax introduced a bill to be entitled an act to discontinue and establish certain election precincts therein specified; which was read and ordered to a second reading.

On motion of mr King of M: *Resolved*, that the Senate be now informed that the House of Representatives is now ready to receive them in their Hall for the purpose of witnessing the inauguration of the Governor elect. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the House of Representatives and taken their seats, His Excellency John Gayle, appeared and delivered an appropriate address to both Houses, after which the oaths prescribed by the constitution were severally administered to him in due form, and then the Senate withdrew.

The House then proceeded to the election of a messenger to the House of Representatives: James Rather and Thomas S. Baskins, being in nomination.

James Rather having received a majority of the votes, Mr Speaker declared him elected, who took the usual oaths, and entered upon the discharge of the duties of his office.

And then the House adjourned until Monday at 10 o'clock, A. M.

Monday, Nov. 28, 1831.—The House met pursuant to adjournment.

Mr Baker presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to incorporate an independent bank to be located in the town of Montgomery, or to establish a branch of the State Bank; which was read and referred to the committee on the state bank to consider and report thereon.

Mr M'Rea presented the account of Tarlton Ewbanks and others for apprehending Thomas Nichols; which was read and referred to the committee on accounts.

Mr Oliver of C. presented the petition of William Lee, sheriff of Coneuh county; which was read and referred to the committee on accounts.

Mr Delft from the judiciary committee to whom was referred a reso-

lution directing them to inquire into the expediency of drafting a bill containing a list or table of all the Latin words, phrases, or technical expressions in our statute books, in alphabetical order, with their English significations inserted between brackets, next after the insertion of any or all Latin words, reported that it is not expedient to pass the bill proposed by the resolution, and asked to be discharged from the further consideration thereof; which was granted.

Mr Dellet from the judiciary committee to whom was referred the petition of James Faris and Eaton Gresham, praying the passage of a law authorizing Samuel Savage, administrator of Alexander Faris, to make titles to a certain tract of land described in the petition, reported that the application is improperly made to the legislature, that the bill prayed for ought not to pass, and ask to be discharged from the further consideration of the subject. Mr M'Kinley moved that the report lie on the table; which was carried.

Mr Dellet from the judiciary committee to which was referred the petition of Newman Wilks, praying the passage of a law authorizing the administrator of Philip Wilks, deceased, to make titles to a certain tract of land, according to verbal agreement as set forth by the petitioner, reported that it is inexpedient to grant the prayer of the petitioner, and ask leave to be discharged from the further consideration of the same. Mr M'Vay moved that the report lie on the table; which was carried.

Mr Dellet from the judiciary committee to which was referred the petition of Benjamin Williams, administrator of the estate of Samuel Newton, deceased, praying the passage of a law authorizing him to sell a tract of land belonging to the estate of said deceased, lying the county of Mobile, reported that the application of the petitioner, properly made to the legal authorities of Mobile county would be attended to in the way recognized by law, that the prayer of the petitioner ought not to be granted by the legislature, and ask leave to be discharged from the further consideration of the subject. Mr Toulmin moved that the report lie on the table; which was carried.

Mr Dellet from the judiciary committee to whom was referred a resolution requiring them to inquire into the expediency of so altering the constitution of the State of Alabama as to extend the jurisdiction of justices of the peace on all sums not exceeding one hundred dollars, reported that the alteration proposed by the resolution is inexpedient, and ask leave to be discharged from the further consideration of the same. Mr Hickman moved that the report lie on the table; which was lost. The committee were then discharged.

Mr M'Kinley, from the committee on education to whom was referred a resolution instructing it to inquire into the expediency and constitutionality of dividing the University fund, so as to provide for the establishment of preparatory schools in each county in this State, asked leave to be discharged from the further consideration thereof. Mr Hickman moved that the report lie on the table; which was lost. The committee was then discharged.

Mr Acklen introduced a bill to be entitled an act to change the name of a certain person therein named; which was read a first time and ordered to a second reading.

Mr Cook introduced a bill to be intituled an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes; which was read a first time and ordered to a second reading.

On motion of mr Swink: *Resolved*, that the judiciary committee be in-

structed to inquire into the expediency of allowing the sheriffs to take recognizances, in all cases where they may have in their hands, a capias or indictment found without applying to a justice of the peace.

Mr Shearer introduced a bill to be entitled an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823; which was read a first time and ordered to a second reading.

Mr Craig offered the following: *Whereas*, the happiness of man, the good of society, and the perpetuity of this Union, mainly depend on education; with a view to effect these all important ends,

Be it therefore resolved, that the committee on education be instructed to inquire into the propriety of establishing a free school in each township in this State, or in such as have not already a sufficient endowment for that purpose, with leave to report by bill or otherwise; which was adopted.

Mr Philpot introduced a bill to be entitled an act for the relief of purchasers of low priced lands; which was read a first time and ordered to a second reading.

On motion of mr Moffett: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, on the subject of usury, that the lender of money at usurious interest, shall forfeit only the excess above the amount actually loaned, with the interest thereon, and that they have leave to report by bill or otherwise.

On motion of mr Musgrove: *Resolved*, that the committee on education be instructed to inquire into the expediency of admitting such number of students into the University of this State from each county or township, as the committee may think most practicable, who shall be educated free of expenses, both in regard to tuition and board, for the term of one year or longer as the committee may think proper; with leave to report by bill or otherwise.

Mr Augustus introduced a bill to be entitled an act to establish an additional election precinct in the county of Pike; which was read and ordered to a second reading.

Mr Boyd introduced a bill to be entitled an act concerning dower; which was read a first time and ordered to a second reading.

On motion of mr Payne: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of changing Byler's road from Bear creek, so as to intersect at LaGrange, the roads leading to Tuscumbia and to Florence, and to put said road under the care and superintendence of the county court of Lawrence, where said road may be in that county, and under the county court of Franklin, where it may be in that county; and that said committee report by bill or otherwise.

Mr Rugely introduced a bill to be entitled an act to regulate the election of justices of the peace and constables in certain cases and for other purposes; which was read a first time and ordered to a second reading.

On motion of mr Hollis: *Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of applying the interest arising from the three per cent fund of the State of Alabama, to the improvement of the roads bridges and causeways, through the different counties of the State, in proportion to the representation thereof, with leave to report by bill or otherwise.

Mr Tarrant introduced a bill to be entitled an act to repeal in part and amend an act entitled an act to authorize John A. Chapman, Simeon

Welch and their associates, to turnpike a certain road therein named; which was read and ordered to a second reading.

Mr Craig called up the several communications accompanying the Governor's message from other States. Mr Craig moved that they severally be referred to a committee of the whole House on Tuesday (to-morrow) at the hour of 8 o'clock P. M.; which was carried.

The bill entitled an act to establish certain ferries therein specified, was read a second time and referred to the committee on roads, bridges and ferries.

Mr Speaker laid before the House an annual report of the treasurer. Mr Rather moved that the report lie on the table, and that seventy-two copies be printed for the use of this House; which was carried.

Mr Stephens introduced a bill to be entitled an act to provide a summary mode for the trial of breaches of the peace; which was read a first time and ordered to a second reading.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have adopted the following resolution, in which they ask the concurrence of the House of Representatives: *Resolved*, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to draft a report to the respective Houses, rules for the government of the two Houses when assembled together; and also on the subject of the intercourse between the two Houses. They have appointed on their part, Messrs Bridges, Lawler and Powell. In which resolution the House concurred. Whereupon, Messrs Oliver of C., Cook and Acklen were appointed said committee.

The House then proceeded to the election of a committee of three members, to examine into the affairs and condition of the bank of the State of Alabama. Messrs M'Vay, Hubbard, Craig, Watkins, Paul and Erwin being in nomination—

Those who voted for Mr M'Vay are, Messrs Acklen Boyd Campbell Erwin Faulk Farrar Goodwyn Goyne Hays Hickman Johnston Kilpatrick King of M. King of P. Lockhart Loyd M'Affee M'Collum M'Kinley Moffett Musgrove Nabors Norwood Riddle Saunders of L. Shearer Swink Snedcor Stephens Tarrant Walker Ward and Watkins.

Those who voted for Mr Hubbard are, Messrs Abernathy Augustus Baker Boyd Brodnax Campbell Carroll Erwin Farrar Gilbreath Goodwin Goyne Harris Hays Herbert Hickman Hollis Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Affee M'Collum M'Lea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Riddle Ross Saunders of D. Saunders of L. Shackleford Shearer Swink Snedcor Stephens Tarrant Walker Ward and Watkins.

Those who voted for Mr Craig are, Messrs Speaker Abernathy Carroll Dellet Drish Fontaine Foster Hall of B. Herbert Keener M'Rae Paul Rather Rugely Saunders of D. Terrell Toulmin Ward and Wilkinson.

Those who voted for Mr Watkins are, Messrs Speaker Acklen Augustus Baker Boyd Cook Dellet Drish Erwin Faulk Fontaine Foster Hall of B. Harris Hollis Hubbard King of M. Lane Lea Lockhart M'Kinley M'Vay More Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Saunders of L. Shackleford Stephens Terrell and Wilkinson.

Those who voted for Mr Paul are, Messrs Acklen Baker Brodnax Carroll Drish Gilbreath Goodwin Harris Herbert Hollis Hubbard Keener Kilpatrick King of P. Lane Lea Moore Musgrove Nabors Oliver of M. Peete Philpott Ross Rugely Saunders of D. Shackleford Swink Tarrant and Toulmin.

Those who voted for Mr Erwin are, Messrs Speaker Abernathy Augustus Brodnax Campbell Dellet Faulk Farrar Fontaine Foster Gilbreath Goyne Hall of B. Hays Hickman Hubbard Johnston King of M. Loyd M'Affee M'Collum M'Kinley M'Rae M'Vay Moffett Norwood Oliver of C. Payne Rather Riddle Ross Rugely Shearer Snedcor Terrell Toulmin Walker Watkins and Wilkinson.

Messrs Hubbard and Erwin having received a majority of votes, Mr Speaker declared them duly elected. The names of Messrs Paul and Craig

being withdrawn, the House proceeded to the election of another member of said committee. Mr M'Vay and Mr Watkins being in nomination—

Those who voted for Mr M'Vay are, Messrs Boyd Brodnax Campbell Erwin Farrar Goodwin Goynes Hays Hickman Johnston Kilpatrick King of M. King of P. Loyd M'Affee M'Collum M'Kinley M'Rea Moffett Musgrove Nabors Norwood Riddle Shearer Swink Snedcor Stephens Tarrant Walker and Watkins.

Those who voted for Mr Watkins are, Messrs Speaker Abernathy Acklen Augustus Baker Carroll Cook Craig Dellet Drish Faulk Fontaine Foster Gilbreath Hall of B. Harris Herbert Hollis Hubbard Keener Lane Lea Lockhart M'Vay Moore Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Terrell Toulmin and Wilkinson.

Mr Watkins having a majority of votes, Mr Speaker declared him duly elected a member of said committee.

Mr Lane introduced a bill to be entitled an act to extend the corporation of the town of Athens, in Limestone county; which was read a first time and ordered to a second reading.

On motion of Mr Abernathy: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law which shall prevent Sheriffs from taking double commissions in any case, and to provide suitable penalties against the same.

On motion of Mr M'Rea: *Resolved*, That the special committee to whom was referred the subject of *our* public lands, &c. be instructed to inquire into the expediency of memorializing Congress, praying that the privilege be given to this State to dispose of the balance of the four hundred thousand acres of donated lands, at a price below the minimum fixed by General Government.

On motion of Mr Hickman: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the existing usury laws of this State, with leave to report by bill or otherwise.

Mr Goodwin introduced a bill to be entitled an act to amend an act to alter the times of holding company courts martial; which was read and ordered to a second reading.

Mr M'Affee introduced a bill to be entitled an act to amend the several acts in relation to the compensation of the petit jurors in St Clair county; which was read and ordered to a second reading.

On motion of Mr Moffett: *Resolved*, That the military committee be instructed to inquire into the expediency of allowing to patrols some compensation for their services, with leave to report by bill or otherwise.

On motion of Mr Toulmin: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of authorizing the judge and commissioners of the several counties of this State, to levy a tax not exceeding twenty-five cents per head, on all cattle in their respective counties, which may be the property of non-residents of this State, and that the tax so levied be collected and paid over in the same manner as other taxes, for county purposes.

The House then proceeded to the orders of the day.

The bill entitled an act to incorporate the town of Hayneville, was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith for their concurrence.

The bill entitled an act to extend the jurisdiction of the State of Alabama over the territory, according to the geographical boundaries, within the limits of said State, and for other purposes, was read a second time and referred

to the committee on Indians and Indian affairs, to consider and report thereon.

The bill entitled an act in relation to slaves, and for other purposes, was read a second time. Mr Oliver moved that it be referred to a committee of the whole House on Friday next, and seventy-two copies be printed; which was lost. Mr Musgrove moved that it be referred to the judiciary committee. Mr M'Kinley moved that one hundred copies be printed. A division of the question being called for, the vote was first taken on the reference, and carried. The vote was then taken on Mr M'Kinley's motion to print the bill, and carried.

Bills of the following titles, to wit: an Act to authorize Covington Edmondson to emancipate a certain slave therein named; an act to authorize Richard Darby to emancipate a certain slave therein named, were severally read a second time and referred to the committee on emancipation.

Bills of the following titles, to wit: An act to change the names of, and to render legitimate, certain persons therein named: and an act to change the times of holding the county courts of Clarke county, were severally read a second time, and ordered to be engrossed for a third reading.

The bill entitled an act to provide for the support of the paupers of Franklin county, was read a second time. Mr Payne moved that it lie on the table; which was carried.

The bill entitled an act for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian, in the land district of Huntsville, was read a second time. Mr Rather moved that it be referred to the same committee that reported it; which was carried.

Bills of the following titles, to wit: An act to authorize the administrators of James Ringstaff, dec. late of Lowndes county, to make titles to certain land therein named; an act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix of Eber M. Bolles, dec. to sell real estate; an act for the support of paupers; and an act more effectually to secure the payment of costs of suit in certain cases, were severally read a second time and referred to the judiciary committee.

The bill entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, was read a second time. Mr Riddle moved that it be referred to the representatives of Tuscaloosa, Greene and Pickens counties; which was carried.

The bill entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison, was read a second time and referred to the committee on lands appropriated for internal improvement.

The bill entitled an act for the relief of Sterling E. Harrison, was read a second time. Mr Baker moved to amend it by adding a proviso at the end of the 2nd. section; which was carried. It was then read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to amend an act entitled an act to raise a revenue for the support of government, until otherwise altered by law, passed 13th of January, 1827, was read a second time and referred to the committee on ways and means.

The bill entitled an act to authorize the appointment of commissioners to take the acknowledgements of deeds and instruments of writing, and the depositions of witnesses out of this State, was read a second time and referred to the judiciary committee. Mr M'Kinley moved that 100 copies of the bill be printed; which was carried.

The bill entitled an act to regulate the fees of the clerks and attorneys of the supreme court, was read a second time. Mr Campbell moved to refer it to the judiciary committee; which was lost. Mr Hubbard moved to refer it to a select committee; which was lost. Mr Hubbard moved that the bill lie on the table; which was carried.

The joint resolution in relation to persons residing on the public lands in this State, was read a second time. Mr McKimley moved that it lie on the table; which was carried.

The bill entitled an act to change the name of a certain person therein named, was read a second time. Mr Acklen moved to amend it by adding the words "of the State of Alabama," in the first section; which was carried. And the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Hubbard moved to suspend the orders of the day; which was carried.

Mr Hubbard called up the bill entitled an act to regulate the fees of the clerks and attorneys of the supreme court. Mr Hubbard moved to amend the bill by striking out all after the word "lawful," with a view to insert the following: "For the clerk of the supreme court to take, demand, or receive higher fees than the clerks of the several circuit courts of this State are allowed by law to receive for the like services, nor shall the attorney's tax-fee in the supreme court exceed the tax-fee allowed by law in the circuit courts in like cases, nor shall any tax-fee be allowed attorneys in the supreme court. Mr Paul moved to amend Mr Hubbard's amendment by striking out all after the word "the;" which was lost. Yeas 18—Nays 67.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Brodnax, Carroll, Cook, Dellet, Erwin, Gilbreath, Hall of B. Herbert, McKimley, McRea, Oliver of C. Paul, Pecte, Riddle, Saunders of D. and Watkins.

Those who voted in the negative are, Messrs Abernathy, Augustus, Baker, Boyd, Campbell, Craig, Drish, Faulk, Farrar, Fontaine, Foster, Goodwin, Goynes, Harris, Hays, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, McAfee, McCollum, McVay, Moffitt, Moore, Musgrove, Nabors, Norwood, Oliver of M. Payne, Philpot, Rather, Ross, Rugsby, Saunders of L. Shearer, Swink, Snedcor, Tarrant, Terrell, Toulain, Walker, Ward and Wilkinson.

Mr Saunders of L. moved that the bill lie on the table; which was carried.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Tuesday, Nov. 29, 1831.—The House met pursuant to adjournment.

A message from the Senate by Mr Comer: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to attach a portion of the county of Pike to Henry county; an act to form a new regiment in the county of Pickens; and an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship, in which they ask the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: An act to attach a portion of the county of Pike to Henry county; an act to form a new regiment in the county of Pickens; and an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship, were severally read a first time and ordered to a second reading.

Mr Speaker laid before the House the report of the comptroller of public accounts. Mr Saunders of L. moved that the report lie on the table, and that five hundred copies be printed; which was carried.

Mr Boyd presented the petition of William B. Norris and others, praying

the passage of a law to authorize the said Norris to build a mill and dam on the Cahawbe river, near Centreville, in Bibb county; which was read and referred to the committee on inland navigation to consider and report thereon.

Mr Farrar presented the petition of sundry citizens of St Clair county, praying the passage of a law prohibiting courts from calling up any cause for trial after a certain day, or holding courts after that time, unless the cause shall have been entered upon prior to the setting of the sun on each day of the term of said court; which was read and referred to the judiciary committee.

Mr Dellet presented the petition of sundry citizens of Monroe and Clarke counties, praying the passage of a law placing Samuel Fisher, Benjamin Fisher, Timothy Fisher, Josiah Fisher, and William Fisher, and others, on an equal footing with other citizens of this State, at least, in courts of justice; which was read and referred to the committee on propositions and grievances.

Mr Oliver of C. presented the memorial of Francis Boykin and others, purchasers of University lands, praying that relief be granted them; which was read and referred to the committee on education.

Mr McCollum presented the account of the deputy sheriff of Fayette county; which was read and referred to the committee on accounts.

Mr Norwood presented the accounts of Thomas Justin and Randolph Ivy, for guarding the jail of Jackson county; they were severally read and referred to the committee on accounts.

Mr Moore presented the petition of Henry Taylor, of Wilcox county; which was read and referred to the committee on emancipation, to consider and report thereon.

Mr McCollum presented the account of Reuben Davis, as also the account of J. H. Bryant, of Fayette county; they were severally read and referred to the committee on accounts to consider and report thereon.

Mr Oliver of C. presented the petition of the heirs and legal representatives of Sherrar Lewis, dec. praying the passage of a law to authorize the sale of a certain tract of land therein described; which was read and referred to the judiciary committee.

Mr Baker introduced a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States; which was read.—Mr Lane moved that it be referred to a committee of the whole House on Tuesday next, and that one hundred copies be printed for the use of the House; which was carried.

Mr Lockhart presented the petition of sundry citizens of Greene and Marengo counties, praying a charter for a Bank to be located in Mobile, to be called the Planters' Bank of Mobile; which was read and referred to the committee on the State Bank, to consider and report thereon.

Mr Saunders of L. from the committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to establish certain ferries therein specified, reported the same without amendment. Mr Harris moved to amend the bill by adding a proviso at the end of the 2nd. section; which was carried: And the question being put, shall this bill be engrossed and read a third time? It was determined in the negative. Yeas 27—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker, Brodnax, Carroll, Cook, Craig, Fontaine, Glibbreath, Goodwin, Harris, Herbert, Hubbard, Kilpatrick, King of P. Lea, M' Afec, M'Colluin, M'Rea, Norwood, Oliver of C. Oliver of M. Paul, Rather, Rugely, Saunders of D. Saunders of L. Swink, and Wilkinson.

Those who voted in the negative are, Messrs Speaker, Abernathy, Acklen, Augustus, Boyd, Campbell, Dellet, Drish, Erwin, Faulk, Farrar, Foster, Hall of B. Hays, Johnston, Keener, Lane, Lockhart, Loyd, M'Kinley, M'Vay, Moffett, Moore,

Musgrove, Nabors, Payne, Peete, Philpot, Riddle, Shackelford, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward and Watkins,

Mr Saunders, from the committee on roads, bridges and ferries to which was referred the petition of sundry citizens of Franklin and Lawrence counties, reported a bill to be entitled an act to authorize the commissioners' courts of Franklin and Lawrence counties, to build a bridge across Town creek; which was read a first time and ordered to a second reading.

Mr Saunders, from the committee on roads, bridges and ferries to which was referred the petition of Enoch H. M'Natt, reported a bill to be entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tusculloosa to Bainbridge; which was read and ordered to a second reading.

Mr Lane, from the committee on accounts to which was referred the account of Cooley Whitney, of Morgan county, reported that the services rendered by him are properly chargeable to the county, and not the State, and that the account ought not to be allowed, and ask leave to be discharged from the further consideration of the same. Mr Philpot moved that it lie on the table; which was lost. The committee was then discharged.

Mr Lane, from the committee on accounts to whom was referred the account of C. C. Thompson, sheriff of Fayette county, reported that the services rendered by him are not chargeable on the State, and ought not to be allowed, and ask leave to be discharged from the further consideration of the same. Mr M'Collum moved that the report lie on the table; which was lost. The committee was then discharged.

The same committee to whom was referred the account of George M. Palmer, jailor of Perry county, reported the same not authenticated according to law, and ask leave to be discharged from the further consideration thereof. Mr Lea moved that the report lie on the table; which was carried.

The same committee to whom was referred the account of William Irwin, of Henry county, reported that the same is not chargeable on the State, and not sufficiently authenticated had it have been so, and ask leave to be discharged from the further consideration of the same. Mr Ward moved that the report lie on the table; which was carried.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of establishing a separate supreme court, reported a bill to be entitled an act to organize a separate supreme court; which was read a first time and ordered to a second reading.

The hour of 12 o'clock having arrived—Mr Saunders of L. moved to suspend the orders of the day; which was carried.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of allowing by law writs of error from the decision of the circuit and county courts in granting or refusing new trials in civil causes, reported that it is inexpedient to legislate on the subject as proposed by the resolution, and ask leave to be discharged from the further consideration thereof. Mr M'Kinley moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of passing a law more properly to define the manner in which appeal cases shall be docketed in the courts above, and who shall be liable to pay costs in such cases, reported that they are not aware of any inconveniences which would warrant the interference of the Legislature, and ask leave to be discharged from the further consideration of the same. Mr Craig moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the propriety of adding fifteen regular jurors in each county, in addition to the number already authorized by law, reported that it would be inexpedient to pass the law proposed by the resolution, and asked leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred a resolution directing them to inquire into the expediency of providing by law for the compensation of tales-jurors in the circuit courts, reported that it would be inexpedient to make the provision contemplated by the resolution, and asked leave to be discharged from the further consideration of the resolution. Mr Hickman moved that the report lie upon the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of repealing the laws now in force in this State to prevent duelling, reported that public policy does not call upon the Legislature at this time to repeal said laws, and requested to be discharged from the further consideration of the resolution. Mr Erwin moved that the report lie upon the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of providing by law for the holding of extra terms of the circuit courts for the trial of criminals in cases not bailable, reported that it is inexpedient to pass the law proposed by the resolution, and requested to be discharged from the further consideration thereof. Mr Baker moved that the report lie upon the table; which was carried.

A communication was received from the Governor by the Secretary of State, which is as follows, viz:

To the Senate and House of Representatives of the State of Alabama:

EXECUTIVE DEPARTMENT, NOV. 29, 1831.

I have the honor to inform the General Assembly, that the Hon Henry W. Taylor has forwarded to this department, his resignation of the office of Judge of the county court of Monroe county, to take effect from and after the 23d of December next. The Judge has conceived it necessary to continue in office till that period, to prevent a failure of the court, the time of holding which would arrive before his successor could be qualified. Samuel W. Mardis, Esq. has also resigned his office as Trustee of the University for the third judicial circuit. The Board of Trustees will shortly convene, and it is desirable that vacancies in that body should be filled at as early a period as may meet the views of the Legislature.

JOHN GAYLE.

Ordered, that said communication lie on the table.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of abolishing imprisonment for debt, reported that the legal provisions upon that subject now in force, do not call for the interposition of the Legislature, and requested to be discharged from the further consideration of the resolution; which was granted.

The same committee to whom was referred a resolution directing them to inquire into the expediency of requiring by law, that all warrants issued by justices of the peace, shall be served on the defendants at least three days previous to the days upon which they are made returnable, reported that it is inexpedient to pass the law proposed by the resolution, and requested to be discharged from the further consideration of the same. Mr Hickman moved that the report lie upon the table; which was carried.

Mr Oliver of C. from the committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of changing the mode of assessing and collecting the taxes in this State, by making it the duty of justices of the peace to assess, and the sheriff to collect, reported that it is inexpedient to alter the law as proposed by said resolution. Mr Norwood moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of appropriating so much of the State revenue as will pay grand jurors in the several counties in this State, reported it inexpedient to appropriate any portion of the State revenue as proposed by the resolution. *Ordered*, that the House concur in the report.

The same committee to whom was referred a resolution directing them to inquire into the expediency of passing a law authorizing the several counties in this State to dispose of all the money arising from tavern license, and license for retailing spirituous liquors, reported it inexpedient to dispose of the above named tax as proposed by the resolution, as it would result in the necessity of increasing the amount of tax on other objects of taxation. Mr Stephens moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution insuring them to inquire into the expediency of exempting cattle from tax, reported that they consider the law taxing cattle proper, and should not be repealed. Mr Augustus moved that the report lie on the table; which was carried.

Mr Peete, from the judiciary committee to whom was referred a resolution directing them to report a bill providing for a digest of the laws of the State of Alabama, reported a bill to be entitled an act to provide for digesting the laws of the State of Alabama; which was read and ordered to a second reading.

Mr Hays offered the following resolution: *Resolved*, that this House no longer require the services of the messenger elected on the 26th instant, and that he be forthwith discharged: And the question being put, shall the resolution be adopted? It was determined in the negative. Yeas 19—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Boyd, Farrar, Hays, Kilpatrick, King of P. Lockhart, Loyd, McCollum, McVay, Moffett, Musgrove, Nabors, Norwood, Riddle, Swink, Sneddon, Stephens, Tarrant and Walker.

Those who voted in the negative are, Messrs Speaker, Acklen, Augustus, Baker, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Fontaine, Foster, Gilbreath, Goodwin, Goync, Hall of B. Harris, Herbert, Hickman, Hubbard, Johnston, Keener, King of M. Lane, Lea, McAfee, McKinley, M'Rea, Moore, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Terrell, Toulmin, Ward, Watkins and Wilkinson.

Mr Augustus introduced a bill to be entitled an act concerning the establishment of public ferries; which was read a first time and ordered to a second reading.

On motion of Mr Paul: *Resolved*, that his Excellency the Governor, as President of the board of internal improvement, be requested to transmit to this House all the information he can concerning the operations of that board, during the last year.

Mr Faulk introduced a bill to be entitled an act to abolish an election precinct and to establish another in Monroe county; which was read and ordered to a second reading.

Mr Erwin introduced a bill to be entitled an act to reduce the fees of sheriffs in certain cases, which was read and ordered to a second reading.

Mr Philpott offered the following resolution: *Resolved*, that the members of this House deliver to the committee on privileges and elections, their respective credentials, and that said committee be instructed to consider thereof, and report to the House as they may deem expedient; which was rejected.

A message was received from the Senate, by Mr Morton: Mr Speaker—The Senate have adopted the following resolution, in which they ask the concurrence of your honorable body: *Resolved*, that with the concurrence of the

House of Representatives, that the two Houses of the General Assembly will assemble in the Representative Hall on the first day of December, at the hour of twelve o'clock, for the purpose of electing a trustee of the University, to fill the vacancy occasioned by the resignation of Samuel W. Mardis. In which resolution the House concurred.

Mr Peete introduced a bill to be entitled an act, to authorize the taking of the depositions of certain persons therein named; which was read and ordered to a second reading.

Mr Musgrove offered the following preamble and resolution: Whereas, it is a fact of notoriety to almost every person of this State, that there is a respectable and very numerous portion of the citizens of the State of Alabama, who are deprived of the benefits of an act of Congress granting the sixteenth section of each township to the exclusive use and benefit of the inhabitants of the same, exclusively for literary purposes, in consequence of many of the sixteenth sections proving entirely valueless—And whereas, it was no doubt the intention of Congress that all the inhabitants of the State might be benefitted by said grant—Therefore, *Be it resolved*, That the select committee to which several resolutions and memorials have been referred on the subject of the public lands, be instructed to draft a suitable memorial to the Congress of the United States, praying the same to grant one section of land for each township wherein the sixteenth sections have proved valueless, to be taken or selected from any unappropriated lands lying within the bounds of the State of Alabama, to be applied to the specific purpose of the above recited act of Congress; which was adopted.

On motion of Mr Wilkinson: *Ordered*, that Mr Lockhart be added to the committee on divorce and alimony.

Mr M'Kinley introduced a bill to be entitled an act to open and improve a road from Tuscaloosa to the State line, in the direction of Nashville, in the State of Tennessee; and another from the same place to the State line in the direction of Milledgeville, in the State of Georgia; which was read and ordered to a second reading. *Ordered*, that one hundred copies be printed for the use of the House.

Mr M'Kinley introduced a joint resolution proposing amendments to the constitution; which was read a first time. Mr Hickman moved that the resolution lie on the table, and seventy-two copies be printed for the use of the House; which was lost. It was then ordered to a second reading. Mr M'Kinley moved that one hundred copies be printed for the use of the House; which was carried.

On motion of Mr Herbert: *Resolved*, that a committee of not less than three members be appointed to examine the books of the clerk of the supreme court of this State, and report such information as they may deem expedient to this House, touching the amount of costs received by that officer per annum; whereupon messrs Herbert, Peete and Hubbard were appointed.

On motion of Mr Abernathy: *Ordered*, that Mr Hickman be added to the committee on lands, appropriated for internal improvement: And then the House adjourned untill to-morrow at 10 o'clock, A. M.

Wednesday, Nov. 30, 1831.—The House met pursuant to adjournment.

Mr Shearer presented the petitions of sundry citizens living within the Cherokee nation, between the county of Blount and Gunter's landing, praying that the line of said county may be extended to the Tennessee river; which was read and referred to the committee on Indians and Indian affairs.

Mr Erwin presented the petition of sundry citizens of the city of Mobile,

praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

Mr Hollis presented the account of Garret Fitzgerald, sheriff of Marion county; which was read and referred to the committee on accounts.

Mr Erwin presented the petition of John M'Laughlin, of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

Mr Carroll presented the petition of sundry citizens of the town of Huntsville, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

Mr M'Kinley presented the petition of sundry citizens of Lauderdale county, praying the passage of a law to change part of the State road leading from Florence to Huntsville; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Erwin presented the petition of sundry citizens of the city of Mobile, praying a charter for a bank, to be called the Planters' Bank of Mobile; which was read and referred to the committee on the State bank.

Mr Ross presented the petition of sundry citizens of Wilcox county, praying a charter for a bank to be called the Planters' Bank of Mobile; which was read and referred to the committee on the State bank.

Mr Acklen, from the committee on lands appropriated for internal improvements to which was referred a bill for the relief of certain occupants of lands in the counties of Morgan and Madison, reported the following amendment: Strike out the whole of the third section; in which amendment the House concurred. The bill was ordered to be engrossed for a third reading.

Mr Oliver of M., from the committee on inland navigation to whom was referred the petition of William B. Norris and others, reported a bill to be entitled an act to authorize William B. Norris to erect a mill on the Cahawba river; which was read and ordered to a second reading.

Mr Paul, from the committee on education to whom was referred the petition of the commissioners of the sixteenth section, township four, range eight, west, reported a bill to be entitled an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range west, and for other purposes; which was read and ordered to a second reading.

Mr Lane, from the committee on accounts to whom was referred the petition of Eubanks and others, reported that it is the opinion of the committee the petition has been improperly referred, and that the committee on propositions and grievances is the appropriate committee, and therefore recommend its reference to that committee; and beg leave to be discharged from the further consideration of the same. Mr M'Rea moved that the report lie on the table; which was carried.

Mr M'Kinley, from the committee on education to whom was referred a resolution instructing it to inquire into the expediency of admitting such number of students into the University of this State from each county or township as the committee might think most practicable, to be educated free of expense of tuition and board for the term of one year, reported that it is in the opinion of the committee, inexpedient to legislate on the subject at present. Mr Hubbard moved that the report lie on the table; which was carried.

The same committee to whom was referred the petition of several of the inhabitants of Conecuh county, residing in township six, of range nine, praying that a law may pass allowing to them their proportion of the fund arising

from the sale of the 16th section in said township, reported that it is inexpedient in the opinion of the committee, to legislate further on the subject; in which report the House concurred.

The same committee to which was referred a resolution instructing it to inquire into the propriety of establishing a free school in each township in this State, or in such as have not already a sufficient endowment for that purpose, reported that it is inexpedient at this time to legislate on the subject; in which report the House concurred. Mr Hubbard, who voted in the majority upon the question of concurrence, moved to reconsider the vote; which was carried. Mr Hubbard moved that the report lie on the table; which was carried.

Mr Acklen, from the select committee to whom was referred a bill for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian in the land district of Huntsville, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Speaker laid before the House a communication from the comptroller of public accounts, which is as follows:

COMPTROLLER'S OFFICE, Tuscaloosa, Nov. 30, 1831.

Hon. James Penn, Speaker of the House of Representatives,

SIR: In compliance with a resolution of the Honorable House of Representatives, I respectfully submit the accompanying document, which shews the amount of tax assessed on neat cattle in the several counties of this State, for the years 1829, 1830 and 1831. Your ob't serv't,

GEO. W. CRABB, *Comp't. P.A.*

Mr Craig moved that the communication, together with the accompanying document, lie on the table; which was carried.

Mr Wilkinson introduced a bill to be entitled an act to amend an act entitled an act passed the 24th December, 1832, to compel clerks of the circuit and county courts, to give bond and security within the time therein prescribed; which was read a first time and ordered to a second reading.

Mr Craig presented the report of the Tennessee canal commissioners, appointed agreeably to an act of the General Assembly. Mr Lane moved that the report and accompanying document lie on the table, and that one hundred copies be printed for the use of this House; which was carried.

On motion of Mr Hall of B: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the State tax on stock cattle, with leave to report by bill or otherwise.

Mr Peete, who voted in the majority on yesterday on the question to engross and read a third time, the bill entitled an act to establish certain ferries therein specified, moved to reconsider the vote; which was carried. It was then referred to a select committee, to consist of Messrs Harris, Cook and Wilkinson, to consider and report thereon.

Mr Campbell introduced a bill to be entitled an act to amend an act entitled an act for the relief of Thomas E. Tart, passed the 9th December, 1830; which was read and ordered to a second reading.

Mr Faulk introduced a bill to be entitled an act to compensate the commissioners of roads and revenue in the counties therein named; which was read and ordered to a second reading.

Mr Rather introduced a bill to be entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; which was read and ordered to a second reading.

On motion of Mr Riddle: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the tax on billiard tables, with leave to report by bill or otherwise.

On motion of Mr Carroll: *Resolved*, that the military committee be instructed to inquire into the expediency of reducing the size of the several divisions of the militia of this State, as well as the brigades, and also to report such other alterations as may tend to the better organization of the same.

On motion of Mr Carroll: *Ordered*, that Mr Musgrove be added to the military committee.

Mr Hall of B. introduced a bill to be entitled an act to authorize the commissioners of roads and revenue of Baldwin county, to levy a tax for the purpose of building of a jail in said county; which was read and ordered to a second reading.

Mr M'Kinley offered the following as one of the rules of this House: *Resolved*, that whenever any bill, memorial, report or resolution shall be printed by order of this House, a number at least equal to the whole number of members of both Houses of the General Assembly shall be printed, and a number of copies equal to all the members of the Senate, shall be furnished to the doorkeeper of that House, by him to be laid upon the tables of the members thereof; which lies over one day agreeably to a rule of this House.

On motion of Mr Drish: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of requiring of plaintiffs on writ of error to the supreme court, to give security for costs accruing in said court in all cases, with leave to report by bill or otherwise.

Mr Boyd introduced a bill to be entitled an act to curtail the amount of damages upon bills of exchange purchased by the Bank of the State of Alabama; which was read and ordered to a second reading.

On motion of Mr Moffett: *Resolved*, that the Secretary of State be requested to furnish this House with six copies of each of the acts of the Legislature, passed since the publication of the digest of the laws of Alabama.

Mr Augustus introduced a bill to be entitled an act to authorize Aaron and Moses Parker to establish a ferry therein named; which was read and ordered to a second reading.

Mr Baker offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of taxing all retailers of spirituous liquors — dollars; and further to inquire into the expediency of authorizing licenses to not more than two persons in each captain's beat, unless five respectable freeholders shall certify to the clerk of the county court that more retailers are necessary, who shall be residents of the beat for which such application is made. Mr Saunders of L. moved to amend the resolution by striking out all after the word "dollars;" which was carried. The resolution as amended was then adopted.

Mr Hubbard introduced a bill to be entitled an act to provide that lands subject to taxation, shall be taxed in proportion to their value; which was read and ordered to a second reading.

Mr Keener introduced a bill to be entitled an act to authorize the commanding officers of the 49th regiment and 11th brigade of the Alabama militia, to form two company beats with a less number than forty privates, in the county of Pike; which was read and ordered to a second reading.

Mr Erwin introduced a bill to be entitled an act to amend the laws now in force authorizing proceeding by attachment; which was read and ordered to a second reading.

On motion of Mr Paul: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so altering the law as to compel judges of the circuit court to entertain suits in the nature of *audita querula*.

On motion of mr M'Afee: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of abolishing the county court system, and of establishing in lieu thereof, such courts of ordinary, and such other courts suitable for the judicious management and transaction of the ordinary business of counties as the committee may think proper to substitute, denying to such substituted courts jurisdiction of all such matters as the existing have concurrent with the jurisdiction of circuit courts, with leave to report by bill or otherwise.

On motion of mr Campbell: *Resolved*, that the committee on the military be instructed to inquire into the expediency of establishing regiments of cavalry in this State, with leave to report by bill or otherwise.

Mr M'Rae introduced a bill to be entitled an act to authorize the register of the land office at Courtland, to suffer any person to enter any quantity of land not less than ten acres; which was read and ordered to a second reading.

The House proceeded to the orders of the day. The bill entitled an act to exempt physicians and others from military duty, was read a second time and referred to the military committee.

The bill entitled an act relating to the working of roads, and other purposes, was read a second time and referred to the committee on roads, bridges and ferries.

The bill entitled an act to repeal an act to regulate trials before justices of the peace, approved December 31, 1830, was read a second time. Mr Campbell moved to refer it to the judiciary committee; which was lost. Mr M'Kinley moved that the bill lie on the table; which was carried.

A message from the Senate by mr Morton: Mr Speaker,—The Senate have adopted the following resolution, in which they ask the concurrence of your honorable body: *Resolved*, with the concurrence of the House of Representatives, that the two Houses will assemble in the Representative Hall this day, at the hour of one o'clock, P. M. for the purpose of electing a printer for the State for twelve months from and after the expiration of the term of the present State printer.

Mr Herbert offered the following amendment: "Also, adjutant and inspector general of the State of Alabama, for the ensuing four years;" which was rejected. Mr Abernathy moved to amend the resolution by striking out the words "to-day," with a view to insert "Saturday next;" which was lost. The resolution was then adopted.

Mr M'Kinley called up the bill entitled an act to repeal an act to regulate trials before justices of the peace, approved the 31st December, 1830. Mr Lea moved that the further consideration of the bill be indefinitely postponed. The debate on the bill was suspended for the present for the introduction of Mr Acklen's resolution, which is as follows: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in their Hall for the purpose of electing a printer for the State of Alabama; which was adopted.

The Senate having repaired to the Hall of the House of Representatives, and taken their seats, the two Houses proceeded to the election of a State printer for the ensuing twelve months, from and after the expiration of the term of the present State printer. Erasmus Walker, Wiley, M'Guire & Henry, and Robinson & Hampton being in nomination: Walker 43 votes, Wiley, M'Guire & Henry 42 votes, Robinson & Hampton 6 votes.

Those who voted for Mr Walker are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Pickett, Smith, Vining. Reps. Messrs Abernathy, Acklen, Augustus, Campbell, Erwin, Faulk, Farrar, Gilbreath, Goynes, Hays, Hickman, Hub-

bard, Johnston, Kilpatrick, King of M. King of P. Lane, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Norwood, Oliver of C. Payne, Riddle, Saunders of L. Swink, Snedcor, Stephens, Tarrant, Walker.

Those who voted for Messrs Wiley, M'Guire & Henry are, Messrs Abercrombie, Anderson, Barclay, Conner, Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Powell, Walthall. Reps. Messrs Speaker, Baker, Boyd, Brodnax, Carroll, Cook, Dellet, Drish, Fontaine, Goodwin, Hall of B. Harris, Herbert, Hollis, Keener, Lea, Moore, Musgrove, Nabors, Oliver of M. Paul, Peete, Philpot, Rather, Ross, Rugely, Saunders of D. Toulmin, Ward, Watkins and Wilkinson.

Those who voted for Messrs Robinson & Hampton are, Messrs President, Morton. Reps. Creig, Foster, Shearer and Terrell.

Neither having a majority of all the votes given, the two Houses proceeded to vote a second time: Mr Walker, and Messrs Wiley, M'Guire & Henry being in nomination: Wiley, M'Guire & Henry 47, Walker 44.

Those who voted for Messrs Wiley, M'Guire & Henry are, Messrs President, Abercrombie, Anderson, Barclay, Conner, Hemphill, Irwin of H. Lawler, M'Elderry, Perry, Powell, Walthall. Reps. Messrs Speaker, Baker, Boyd, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Fontaine, Foster Goodwin, Hall of B. Harris, Herbert, Hollis, Keener, Lea, Moore, Musgrove, Nabors, Oliver of M. Paul, Peete, Philpot, Rather, Ross, Rugely, Saunders of D. Shackleford, Terrell, Toulmin, Ward, Watkins, Wilkinson,

Those who voted for Mr Walker are, Messrs Bridges, Coopwood, Edmondson, Erwin of G. Hogan, Pickett, Smith, Vining. Reps. Messrs Abernathy, Acklen, Augustus, Campbell, Erwin, Faulk, Farrar, Gilbreath, Geyne, Hays, Hickman, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Norwood, Oliver of C. Payne, Riddle, Saunders of L. Shearer, Swink, Snedcor, Stephens, Tarrant, Walker.

Wiley, M'Guire & Henry having received a majority of votes, Mr Speaker declared them duly elected public printers for the ensuing twelve months.

A communication was received from the Governor, by James I. Thornton, which is as follows:

To the House of Representatives of the State of Alabama:

EXECUTIVE DEPARTMENT, Nov. 30, 1831.

In answer to a resolution of the House of Representatives of the 29th inst. requesting the President of the Board of Internal Improvement "to transmit all the information he can concerning the operations of that board during the last year," I have the honor to state, that no meeting of the Board of Internal Improvement, has been held within the last year, and no business whatever has been transacted by that body during that period. At their last meeting an Engineer was appointed, who it is expected will be ready to report the result of certain examinations which he was directed to make, as soon as a majority of the board shall convene.

JOHN GAYLE, *Pres't Ex-officio.*

And then the House adjourned until to-morrow morning 10 o'clock.

Thursday, Dec. 1, 1831.—The House met pursuant to adjournment.

A message from the Senate by mr Conner: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to authorize Thomas M'Dowell to collect toll on a bridge across Concuah river; an act to change the time of convening the Legislature of the State of Alabama, and to limit the sessions thereof; and an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale; and an act for the relief of William J. Price, of Jackson county.

They have also read three several times and passed a bill from the House of Representatives entitled an act for the relief of Sterling E. Harrison, and have amended the second section by inserting the word "interest" after the word "debt," and before the word *cost*. In all of which they ask the concurrence of your honorable body.

The communication from the Governor of yesterday being under consideration, mr Fontaine moved that it lie on the table; which was carried.

Bills from the Senate of the following titles, to wit: an act to authorize

Thomas M'Donald to collect toll on a bridge across Conecuh river; an act to change the time to convene the Legislature of the State of Alabama and for limiting the sessions thereof; an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale; and an act for the relief of William J. Price, of Jackson county, were severally read a first time and ordered to a second reading.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act for the relief of Sterling E. Harrison.

Mr Fontaine presented the account of James Rather; which was read and referred to the committee on accounts.

Mr King of P. presented the petition of Nathaniel Clark, of Perry county, praying the passage of a law amendatory of the act passed the 20th of January, 1830, on the subject of emancipation; which was read and referred to the committee on propositions and grievances.

Mr Gilbreath presented the petition of sundry citizens of Jackson county, praying that compensation may be allowed Middleton Johnston for services rendered a wounded man; which was read and referred to the committee on propositions and grievances.

Mr Gilbreath presented the accounts of David Rickets, of Jackson county; which was read and referred to the committee on accounts to consider and report thereon.

Mr M'Kinley, from the committee on education to whom was referred the petition of sundry citizens of Limestone county, reported a bill to be entitled an act to amend an act to provide for leasing the 16th section, and for the application of the funds arising therefrom to the purposes of education; which was read a first time and ordered to a second reading.

Mr Herbert, from the committee on education to whom was referred the petition of Francis Boykin, Thomas Reeves, and Caleb Johnson, reported that it is inexpedient to grant said petition, and ask leave to be discharged from the further consideration of the subject.

Mr Oliver of C. moved that the report lie on the table; which was carried.

Mr Herbert, from the committee on education to whom was referred a copy of the petition of the purchasers of University lands, which was presented to the Trustees of the University at their last regular meeting, reported that it is inexpedient to grant the prayer of the petitioners, and ask leave to be discharged from the further consideration of the subject. Mr M'Rea moved that the report lie on the table; which was carried.

Mr Moffett, from the select committee to whom was referred the petition of Thomas H. Hutchins, Guardian of Washington Paul Hutchins, reported a bill to be entitled an act to authorize Thomas H. Hutchins, Guardian of Washington Paul Hutchins, to sell certain lands therein specified; which was read a first time and ordered to a second reading.

Mr Saunders of L. introduced a bill to be entitled an act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved January 20, 1829; which was read a first time and ordered to a second reading.

Mr M'Kinley moved the adoption of the rule offered on yesterday, as one of the rules of this House; which was carried.

On motion of Mr Dellet: *Resolved*, that the principal engineer be, and he is hereby authorized to lay before the Governor of this State, any report or communication he may have prepared to submit to the board or commissioners of internal improvement.

On motion of mr Moffett: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of making an appropriation for the purpose of enabling the surveyors of the different counties in this State to procure from the general land office, the filed notes of their respective counties, with leave to report by bill or otherwise.

On motion of mr M'Vay: *Resolved*, that the committee on ways and means be instructed to inquire what amendments are necessary in the revenue laws, so as to effect a more certain collection of the taxes upon the several items of taxable property, with leave to report by bill or otherwise.

Mr Drish presented the account of John Lyon; which was read and referred to the committee on accounts.

On motion of Mr Drish: *Ordered*, that mr Nabors be added to the committee on accounts.

The House then proceeded to the consideration of the orders of the day.

A question of order arose on the right of members to vote who were not in the House at the time the question then pending was submitted. Mr Speaker decided that no member could vote unless he were present at the time the question was put; from which decision mr Saunders of L. appealed, and upon the question being submitted, Shall the decision of the chair be sustained? it was determined in the affirmative.

The House resumed the consideration of mr Lea's motion to postpone indefinitely the bill entitled an act to repeal an act to regulate trials before justices of the peace, approved 31st Dec., 1831; which was lost. Yeas 35—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Augustus Brodnax Campbell Cook Drish Erwin Faulk Farrar Fontaine Foster Goodwin Harris Hays Hubbard Keener Kilpatrick King of P. Lea Lockhart Loyd M'Affee M'Kinley M'Rea Moore Oliver of M. Payne Ross Rugely Snedcor Stephens Terrell Toulmin Ward and Watkins.

Those who voted in the negative are, Messrs Speaker Acklen Baker Boyd Carroll Craig Dellet Gilbreath Govne Hall of B. Herbert Hickman Hollis Johnston King of M. Lane M'Cellum M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Paul Peete Philpot Rather RiddleSaunders of L. Shackelford Shearer Swink Tarrant Walker and Wilkinson.

The bill was then ordered to be engrossed for a third reading.

Mr Carroll moved that it be made the special order of the day for Wednesday next; which was carried.

On motion of mr Craig: the House resolved itself into a committee of the whole House on sundry documents from other States, accompanying the Governor's message; Mr Oliver of C. in the chair, and after some time spent in consideration of the same, Mr Speaker resumed the chair, and mr chairman reported that the committee had had under consideration the documents just alluded to, and asked leave to be discharged from the further consideration thereof; which was granted.

Mr Acklen moved to suspend the orders of day; which was carried.

On motion of mr Acklen: *Resolved*, that the two Houses, with the concurrence of the Senate, will to-day at 12 o'clock, go into the election of an adjutant and inspector general of the State of Alabama for the term of four years. *Ordered*, that the clerk acquaint the Senate therewith.

A communication was received from the Secretary of State; which is as follows:

SECRETARY OF STATE'S OFFICE, Tuscaloosa, Dec. 1, 1831.

Sir: In obedience to a resolution of the House of Representatives of the 30th ultimo, requesting the Secretary of State to furnish the House with six copies of each of the acts of the Legislature passed since the publication of the digest of the laws of Alaba-

ma, I have the honor to state that the acts of 1823 and 1824 are very scarce, and I am only able to furnish the House with one copy of the former and three of the latter. Almost all the remaining copies of those sessions belonging to this office being in possession of the members. This scarcity may not be surprising when the House reflect on the lapse of time since their publication, and the few that are retained in this office for the use of the General Assembly. From 1824 to the last session I have the honor herewith to transmit the number required by the resolution.

I have the honor to be,

J. I. THORNTON.

Hon. JAMES PENN, *Speaker*.

Mr Moffett moved that the communication lie on the table; which was carried.

The House resumed the consideration of the orders of the day. The joint resolution directing the solicitor of the first circuit to prosecute the sheriff of Monroe county, was read a second time. Mr Lane moved to refer it to the judiciary committee; which was carried.

Bills of the following titles, to wit: an act to emancipate a certain slave therein named; an act to manumit certain slaves therein named; were severally read a second time and referred to the committee on emancipation to consider and report thereon.

Bills of the following titles, to wit: an act to incorporate the Florence bridge company; an act to repeal in part an act entitled an act to continue in force and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this State, and for other purposes therein mentioned, passed December 24th, 1822; an act concerning costs; an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7th, 1818, and for other purposes; an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17th, 1823; an act concerning dower; an act to regulate the elections of justices of the peace and constables in certain cases, and for other purposes; and, an act to provide a summary mode for the trial of breaches of the peace; were severally read a second time and referred to the judiciary committee.

Mr Philpott moved to suspend the orders of the day; which was carried.

Mr Harris introduced a bill to be entitled an act better to secure the University funds; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the committee on education to consider and report thereon.

On motion of Mr Philpott: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them for the purpose of electing a trustee of the University for the third judicial circuit. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a trustee of the University for the third judicial circuit, to fill the vacancy occasioned by the resignation of Samuel W. Mardis. Joab Lawler and Samuel S. Earle being in nomination. For Mr Lawler 69—Earle 19.

Those who voted for Mr Lawler are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Edmondson, Erwin of G. Hemphill, Irwin of H. M'Elderry, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Cook, Craig, Dellet, Drish, Erwin, Faulk, Fontaine, Foster, Gilbreath, Goodwin, Hall of B. Harris, Hays, Hickman, Hubbard, Johnston, Keener, King of P. Lane, Lockhart, M'Afee, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Oliver of C. Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of L. Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Those who voted for Mr Earle, are Mr Hogan. Reps. Messrs Carroll, Farrar,

Goyne, Herbert, Hollis, Kilpatrick, Lea, Loyd, M'Collum, M'Kinley, Norwood, Oliver of M. Paul, Shackelford, Shearer, Swink, Snedcor and Stephens.

Mr Lawler having received a majority of votes, mr Speaker therefore declared him to be duly elected a trustee of the University of the State of Alabama, for the third judicial circuit.

The House resumed the consideration of the orders of the day.

Bills of the following titles, to wit: an act for the relief of the Limestone guards; an act to authorize Robert Hobdy, colonel commandant of the 42d regiment of Alabama militia to form a company beat with less than forty privates, in the county of Pike; and, an act to amend an act to alter the times of holding company courts martial; were severally read a second time and referred to the military committee.

Bills of the following titles, to wit: an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county; an act to alter the times of holding the courts of revenue and roads of the county of Shelby; an act to change the name of James Franklin Cooper and others; an act to change the name of a certain person therein named; an act to repeal in part and amend an act entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named; an act to extend the corporation of the town of Athens, in Limestone county; an act to amend the several acts in relation to the compensation of the petit jurors in the county of St. Clair; were severally read a second time and ordered to be engrossed for a third reading.

The bill entitled an act to amend an act, approved 20th January 1830, authorizing Samuel Swilley and others to mark out a road through that part of Pike county now occupied by the Creek Indians, was read a second time and referred to the committee on roads, bridges and ferries.

The bill entitled an act to amend an act entitled an act altering the boundary line between the counties of Bibb and Tuscaloosa, approved Jan. 15, 1831, was read a second time and referred to the committee on county boundaries.

Mr Goyne, who voted in the majority on the question of the reference, moved to reconsider the vote; which was carried. The bill was then referred to the representation of Tuscaloosa and Bibb counties.

Bills of the following titles, to wit: an act to discontinue and establish certain election precincts therein specified; and, an act to establish an additional election precinct therein named;—were severally read a second time and referred to the committee on privileges and elections.

The bill entitled an act for the relief of purchasers of low priced lands, was read a second time and referred to the committee on lands appropriated for internal improvement to consider and report thereon:

And then the House adjourned untill to-morrow morning at 10 o'clock.

Friday, Dec. 2, 1831.—The House met pursuant to adjournment.

Dixon Hall, sr. a representative from the county of Autauga, appeared, was qualified and took his seat.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to authorize Jesse During and Philip Brothers to turnpike a road therein named; an act for the relief of William Rounsiville; an act granting and releasing to Mary Seiber certain real estate escheated to the State of Alabama; an act to establish a permanent road from Tuscaloosa to the Mississippi State line; an act for the relief of George F. Sallee; an act to provide for the drawing of an additional number of jurors, and for compensating talesjurors in the county of Perry: In all of which they ask the concurrence of

your honorable body. They have also read three several times and passed bills from the House of Representatives of the following titles, to wit: An act to change the name of a certain person therein named; and, an act to incorporate the town of Hayneville.

Bills from the Senate of the following titles, to wit: An act to authorize Jesse Daring and Philip Brothers to turnpike a road therein mentioned; an act for the relief of William T. Rounsivalle; an act granting and releasing to Mary Sebler certain real estate escheated to the State of Alabama; an act to establish a permanent road from Tuscaloosa to the Mississippi State line; an act for the relief of George F. Sallee; and, an act to provide for the drawing of an additional number of jurors and for compensating talesjurors in the county of Perry; were severally read a first time and ordered to a second reading.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have adopted the following resolution, in which they ask the concurrence of your honorable body: *Resolved*, by the Senate and House of Representatives, that the engineer employed by the board of internal improvement, be authorized and required forthwith to report to both Houses of the General Assembly, the result of his examination and survey of the Coosa river, together with any other survey or examination he may have made in the discharge of his duty as engineer; in which resolution the House concurred.

On motion of Mr Acklen: *Ordered*, that Mr Carroll have leave of absence until Wednesday next.

Mr M'Rea presented the account and petition of Tarlton Eubanks and others; which was read and referred to the committee on propositions and grievances.

Mr Foster presented the account of John H. and A. H. Sommerville; which was read and referred to the committee on accounts.

Mr Norwood presented the account of Randolph Ivy, coroner of Jackson county; which was read and referred to the committee on accounts.

Mr Cook, from the committee on divorce and alimony to whom was referred the record in the cases of Jackson Pate against Mahala Pate; Wooden M. Burge against Nancy Burge; James Levesque against Sarah Levesque; John R. Murphey against Lucy Murphey, reported a bill to be entitled an act to divorce certain persons therein named; which was read and ordered to a second reading.

Mr Acklen, from the committee on lands appropriated for internal improvement to whom was referred the petition of Jesse Coe and Bartley Cox, reported a bill to be entitled an act to authorize and require the register and receiver of the land office at Courtland, to permit Jesse Coe and Bartley Cox to enter certain lands therein named; which was read a first time and ordered to a second reading.

Mr Dellet made the following report: The judiciary committee to whom was referred the petition of Joshua Grace, Thompson Hemphill, Jesse Wright and Thomas Grace, praying the passage of a law authorizing the legal representatives of Sherrod Lewis, to sell a certain tract of land and the improvements thereon, have considered the petition, and have directed me to report that it would be inexpedient and highly improper in the Legislature to grant the prayer of the petitioners, as it would, were it to do so, take upon itself the exercise of the functions, and interfere with the duties assigned by the constitution and laws to another department of the Government. In which report the House concurred.

Mr Dellet made the following report: The judiciary committee to whom

was referred a bill to be entitled an act to authorize the administrator of James Ringstaff, deceased, late of Lowndes county, to sell certain real estate therein named, have examined the same, and have directed me to report the bill to the House without amendment; and further, that in the opinion of your committee, the Legislature ought not to take upon itself the exercise of powers and duties which have been wisely assigned to a more efficient and competent department of the Government. Mr Rugely moved that the House disagree to the report; which was carried. And the question being put, shall this bill be engrossed and read a third time? it was determined in the negative. Yeas 34—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Augustus, Baker, Brodnax, Faulk, Farrar, Gordwin, Goyne, Hall, of A. Holl's, Johnston, Keener, Kilpatrick, King of P. Lea, Loyd, M'Collum, M'Rea, M'Vay, Moffett, Moore, Nabors, Norwood, Oliver of M. Rather, Ross, Rugely, Saunders of D. Shackleford, Shearer, Swink, Stephens, Toulmin, Walker, Ward.

Those who voted in the negative are, Messrs Speaker, Abernathy, Acklen, Boyd, Campbell, Cook, Dellet, Drish, Erwin, Fontaine, Foster, Hall of B., Harris, Hays, Herbert, Hickman, Hubbard, King of M. Lane, Lackhart, M'Affee, M'Kinley, Musgrove, Oliver of C. Paul, Payne, Peete, Philpot, Riddle, Saunders of L. Snedcor, Tarrant, Terrell, Watkins, Wilkinson.

The same committee to whom was referred a bill to be entitled an act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate, reported the bill to the House without amendment, and that it is inexpedient to pass the same. Mr Paul moved that the report lie on the table; which was carried.

Mr Dellet made the following report: The judiciary committee to whom was referred a resolution directing them to inquire into the expediency of so amending the usury laws of this State, that the lender of money at usurious interest, shall forfeit only the excess above the amount actually loaned with the interest thereon, have had the same under consideration; and have instructed me to report that it is inexpedient to pass the law proposed by the resolution: in which report the House concurred.

Mr Dellet, from the judiciary committee to whom was referred a bill to be entitled an act more effectually to secure the payment of costs of suit in certain cases, reported the bill without amendment, and that it would be inexpedient to pass the same; in which report the House concurred.

Mr Dellet, from the judiciary committee to whom was referred a bill to be entitled an act for the support of paupers, reported it to the House without amendment, and see no impropriety in allowing the several counties the privilege of providing for their paupers in the manner proposed by the bill. Mr Payne moved that the report and bill lie on the table; which was carried.

The hour of 12 o'clock having arrived: Mr Rather moved to suspend the consideration of the orders of the day.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of abolishing the county court system, and establishing in lieu thereof, such courts of ordinary and other courts, as will ensure the judicious management and transaction of the business of the several counties, reported that it is inexpedient at the present moment to make the alteration proposed by the resolution, and ask leave to be discharged from the further consideration of the subject. Mr Campbell moved that the report lie on the table; which was carried.

The same committee to whom was referred a bill to be entitled an act to authorize the appointment of commissioners to take the acknowledgement of deeds and instruments of writing, and the deposition of witnesses out of the

State, reported sundry amendments which were adopted. Mr M'Kinley moved that the bill lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of amending the usury laws now in force, reported that it is inexpedient at this time to make any alteration in the laws now in force on the subject of usury, and ask leave to be discharged from the further consideration of the same. Mr Acklen moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution of sundry inhabitants of St Clair county, praying the Legislature to pass a law restraining the circuit courts of said county from calling for trial any cause in said court after sunset, or holding court after that time, unless the cause shall have been entered on prior to the setting of the sun of each day of the term, reported that the Legislature ought not to grant the prayer of the petitioners. Mr Farrar moved that the report lie on the table; which was carried.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: A bill for the relief of Sterling E. Harrison, and a bill to change the name of a certain person therein named, which originated in this House.

Mr Hubbard from the committee on roads, bridges and ferries to which was referred a resolution instructing it to inquire into the expediency of appointing inspectors of roads, reported that it is inexpedient to legislate on the subject; in which report the house concurred.

Mr Hubbard from the committee on roads, bridges and ferries to whom was referred the petition of sundry citizens of Lauderdale county, reported that they are unacquainted with any facts connected with the subject matter of the petition, which would require legislation thereon, and ask to be discharged from the further consideration of the same. Mr Saunders of L. moved that the report lie on the table; which was carried.

The same committee to whom was referred a bill to be entitled an act relating to the working of roads and other purposes, reported that it is inexpedient to pass the bill: in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of changing Byler's road, reported that they are not acquainted with any facts which require legislation on the subject, and ask leave to be discharged from the further consideration of the subject. Mr Payne moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of amending the road laws, reported that it is inexpedient to legislate upon the subject, and ask leave to be discharged from the further consideration thereof. Mr Stephens moved that the report lie on the table; which was carried.

Mr Baker, from the committee on Indians and Indian affairs to whom was referred the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State and for other purposes, reported sundry amendments. Mr M'Kinley moved that the bill with the amendments lie on the table, and that one hundred copies be printed; which was carried.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of extending the jurisdiction of the State of Alabama over the Cherokee nation, within the chartered limits of this State, re-

ported that the subject matter of said resolution has been embraced in a bill reported to this House, and ask to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred a resolution instructing an inquiry to be made as to the expediency of extending the civil and criminal jurisdiction of the State of Alabama over the white population alone living within the Choctaw Nation, reported that it is inexpedient to legislate on the same, and ask to be discharged from the further consideration of the same; which was granted.

Mr Lane, from the committee on accounts to whom was referred the account of Thomas Justin, of Jackson county, reported that the account is not chargeable on the State, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred the account of Randolph Ivy, of Jackson county, reported that the same is not chargeable on the State, and ask leave to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred the account of Asa Hammond, reported that the account is not chargeable upon the State, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred the account of James B. Clarke of Bibb county, reported that the same is not chargeable on the State, and ask leave to be discharged from the further consideration of the same. Mr Boyd moved that the report and account lie on the table; which was carried.

Mr Boyd called up the account just laid on the table, and moved its reference to the military committee; which was carried.

Mr Peete, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of allowing sheriffs to take recognizances in certain cases, reported a bill to be entitled an act to authorize sheriffs to take recognizances in certain cases; which was read a first time and ordered to a second reading.

Mr Brodnax, from the select committee to whom was referred the petition of the executors of Allen Riley, late of Autauga county, reported a bill to be entitled an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said decedent; which was read a first time and ordered to a second reading.

Mr Cook, from the select committee to whom was referred the bill to be entitled an act to establish certain ferries therein specified, reported the same with an amendment, by adding thereto two additional sections, No. three and four; which were adopted by the House. The bill was ordered to be engrossed for a third reading.

Mr Boyd moved to suspend the orders of the day; which was carried.

On motion of Mr Boyd: *Resolved*, that the doorkeeper be instructed to procure two stoves for the use of this Hall.

Mr Erwin introduced a bill to be entitled an act, further to provide against frauds in the packing of cotton; which was read a first time and ordered to a second reading.

On motion of Mr Rather: *Resolved*, that the committee on accounts be instructed to report to this House a bill revising and reducing into one, all the acts in relation to accounts and claims against the State, plainly stating in what form accounts shall be made out and certified before the same shall be allowed.

Mr Toulmin introduced a bill to be entitled an act supplementary to the act entitled an act to establish a Bank in the city of Mobile, passed November 20, 1818; which was read and ordered to a second reading.

Mr Johnston introduced a bill to be entitled an act to regulate patrols; which was read a first time and ordered to a second reading.

Mr Faulk introduced a bill to be entitled an act to change the time of holding courts in the first judicial circuit; which was read and ordered to a second reading.

Mr Farrar introduced a bill to be entitled an act to divide the twelfth regiment of the militia of this State; which was read a first time and ordered to a second reading.

Mr Hall of B. introduced a bill to be entitled an act to prevent setting the woods on fire during certain times therein mentioned; which was read a first time and ordered to a second reading.

On motion of mr Oliver of M. *Resolved*, that a select committee consisting of seven members, be instructed to inquire into the expediency of establishing an agency, or some mode of getting rid of the free persons of color, and report by bill or otherwise; whereupon messrs Oliver of M. Cook, Moffet, Toulmin, M'Affee, Saunders of D. and Lane, were appointed said committee.

On motion of mr Musgrove: *Ordered*, that mr M'Rae be added to the military committee.

Mr Hollis introduced a bill to be entitled an act amendatory of the laws now in force, for the relief of insolvent debtors; which was read a first time and ordered to a second reading.

Mr Campbell offered the following: *Resolved*, that the rule heretofore adopted for the government of this House, which authorizes an absent member to have his vote on any question recorded on application, be, and the same is hereby abolished; which lies over one day.

And the House adjourned until to-morrow morning at 10 o'clock.

Saturday, Dec. 3, 1831.—The House met pursuant to adjournment.

A message was received from the Senate by mr Conner: Mr Speaker—The Senate have read three several times and passed bills of the following titles, viz: An act to revive and amend an act entitled an act to incorporate the Trustees of Tusculumbia Academy, in Franklin county, approved January 13, 1826; an act concerning dower; an act to repeal in part an act to incorporate the town of Carrollton, in Pickens county, and Fayetteville, in the county of Fayette, and for other purposes, approved January 15, 1831; in all of which they ask the concurrence of your honorable body.

Bills from the Senate of the following titles, to wit: An act to revive and amend an act entitled an act to incorporate the Trustees of Tusculumbia Academy, in Franklin county, approved January 13, 1826; an act concerning dower; an act in part to repeal an act to incorporate the town of Carrollton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved January 15, 1831; were severally read a first time and ordered to a second reading.

Mr Speaker laid before the House the record and proceedings of the circuit court of Greene county, in the case of Elijah Moore against Sarah Moore for divorce; which was read and referred to the committee on divorce and alimony.

Mr Drish presented the petition of Nancy Bowman, a free woman of color, of Tuscaloosa county, praying the passage of a law to emancipate a certain

slave therein named; which was read and referred to the committee on emancipation.

Mr Moffett presented the petition of Robert Craig, of Greene county, praying a division of certain lands therein described; which was read and referred to a select committee to consist of messrs Moffett, Snedcor and Nabors.

On motion of mr Moffett: *Ordered*, that mr Riddle have leave of absence until Tuesday next.

Mr Oliver of c. from the committee on ways and means to whom was referred a resolution instructing them to inquire into the expediency of making an appropriation for the purpose of enabling the surveyors of the different counties in this State to procure from the general land office the field notes of their respective counties, reported that it is inexpedient to legislate on the subject as it is a county business, and the commissioners of revenue and roads of the several counties have this power by making appropriations from the county treasury: in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of reducing the tax on billiard tables, reported that it is inexpedient to reduce the tax on billiard tables, and ask to be discharged from the further consideration of the subject. Mr Saunders of L. moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of reducing the State tax, reported that they consider it inexpedient at this time to lower the taxes; in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of reducing the State tax on stock cattle, reported that they consider it inexpedient to reduce the tax on cattle, and ask leave to be discharged from the further consideration of the subject: in which report the House concurred, and the committee discharged.

The same committee to whom was referred a resolution directing them to inquire into the expediency of abolishing poll tax, reported that they consider it inexpedient to alter the revenue law as proposed by the resolution: and the question being put on concurring with the report of the committee, and disagreed to. Yeas 30—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Abernathy, Boyd, Campbell, Cook, Craig, Drish, Gilbreath, Goynes, Hall of A. Hall of B. Harris, Johnston, Lane, Loyd, M'Vay, Moffett, Moore, Musgrove, Oliver of C. Oliver of M. Peete, Philpot, Rather, Ross, Rugely, Saunders of D. Saunders of L. Shearer and Wilkinson.

Those who voted in the negative are, Messrs Acklen, Augustus, Brodnax, Dellet, Faulk, Farrar, Fontaine, Foster, Goodwin, Hays, Herbert, Hickman, Hollis, Hubbard, Keener, Kilpatrick, King of M. King of P. Lea, Lockhart, M'Affee, M'Collum, M'Rea, Nabors, Norwood, Paul, Shackelford, Swink, Snedcor, Tarrant, Terrell, Toulmin, Walker, Ward and Watkins.

Mr M'Collum moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of applying a part of the profits arising upon the stock of the State Bank, to the payment of the current expenses of the State of Alabama, reported that it is inexpedient to apply any part of the profits of the Bank as proposed by the resolution, and ask leave to be discharged from the further consideration of the resolution; which was granted.

Mr Dellet, from the judiciary committee to whom was referred the bill entitled an act to incorporate the Florence bridge company, reported the follow-

ing amendments: Strike out all the second section after the word "corporation," in the eleventh line of that section; also, strike out the third and fourth sections of the bill. Mr Dellet moved that the bill lie on the table; which was carried.

Mr Campbell, from the committee on propositions and grievances to which was referred the petition of Samuel B. White and others, reported a bill to be entitled an act prescribing the duty of the register of the land office at Courtland in certain cases; which was read a first time and ordered to a second reading.

The same committee to which was referred the petition of Samuel Jackson, reported a bill to be entitled an act for the relief of Samuel Jackson; which was read a first time and ordered to a second reading.

Mr Augustus, from the committee on propositions and grievances to whom was referred the petition of Nathaniel Clark, reported a bill to be entitled an act amendatory to an act passed January 20, 1831, authorizing Nathaniel Clark to emancipate certain slaves therein named; which was read a first time and ordered to a second reading. The question was then put on Mr Campbell's resolution to rescind a rule of this House, and rejected.

Mr Dellet called up the bill entitled an act to incorporate the Florence bridge company. Mr McKinley moved that it lie on the table; which was carried.

Mr Acklen introduced a bill to be entitled an act to amend an act to regulate the rate of interest, passed December 17, 1819; which was read a first time and ordered to be read a second time.

Mr Dellet, who voted in the majority on concurring with the report of the judiciary committee upon the bill entitled an act more effectually to secure the payment of costs of suit in certain cases, moved to reconsider the vote; which was carried. Mr Drish moved that the House disagree to the report; which was lost. Yeas 17—Nays 53.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Augustus Baker Boyd Brodax Craig Drish Fontaine Fester Goodwin Goyne Hall of A. Loyd McCallum McRea Norwood Rugely and Swilk.

Those who voted in the negative are, Messrs Speaker Abernathy Acklen Campbell Cook Dellet Erwin Faulk Farrar Gabbreath Hall of B. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart McAfee McKinley M'Vay M'Flett Moore Musgrove Nabers Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Saunders of D. Saunders of L. Shackelford Shearer Snedicer Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr McKinley moved to suspend the orders of the day; which was carried.

Mr McKinley, from the committee on education to whom was referred a resolution instructing it to inquire into the expediency of altering the mode of electing Trustees of the University, and the expediency of increasing their numbers, reported a bill to authorize the appointment of six additional Trustees of the University of Alabama; which was read a first time and ordered to a second reading.

Mr Moffett introduced a bill to be entitled an act for the relief of Thompson Chiles; which was read and ordered to a second reading.

Mr King of P. introduced a bill regulating justices of the peace to hold courts once a month, and for other purposes; which was read a first time and ordered to a second reading.

Mr Saunders of D. introduced a bill to be entitled an act for the relief of Priscilla Reynolds; which was read and ordered to a second reading.

Mr Dellet moved a call of the House; which was lost.

Mr Cook, who voted with the majority on concurring with the report of the judiciary committee upon the bill to authorize the administrators of James Ringstaff, dec. late of Lowndes county, to make titles to certain land therein named, moved to reconsider the vote; which was carried.

Mr Rugely moved that the further consideration of the bill be postponed until Wednesday next; which was lost.

Mr Rugely moved that it be postponed until Monday next; which was lost: it was ordered to be engrossed for a third reading.

Mr Hickman presented the account of William Newson and others; they were severally read and referred to the committee on accounts to consider and report thereon.

Mr Saunders of D. introduced a bill to sell a lot in the town of Cahawba; which was read and ordered to a second reading.

Mr Erwin introduced a bill to be entitled an act further to provide for the payment of the solicitors of the several judicial circuits of this State; which was read and ordered to a second reading.

Mr Nabors introduced a bill to be entitled an act to repeal in part an act authorizing a jury to be drawn to attend to the county courts of certain counties, and for other purposes, approved January 13, 1831; which was read and ordered to a second reading.

On motion of **mr Moslett**: *Resolved*, that this House will, on Monday next, resolve itself into a committee of the whole on the Governor's message.

Mr Rather introduced a bill to be entitled an act to compel justices of the peace to give security, and for other purposes; which was read and ordered to a second reading.

On motion of **Mr Hall of B**: *Resolved*, that the committee on privileges and elections be authorized to inquire into the expediency of altering the law, so as to authorize the opening the polls at nine o'clock, and closing the same at four o'clock P. M., in lieu of the hour fixed by law.

Mr M'Collum introduced a bill to be entitled an act to discontinue and establish certain election precincts therein specified; which was read and ordered to a second reading.

Mr Lockhart introduced a bill to be entitled an act to discontinue and establish certain election precincts therein specified; was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the committee on privileges and elections.

On motion of **Mr Musgrove**: *Resolved*, that the military committee be instructed to inquire into the propriety of making it the duty of all the platoon officers of every militia company in this State, to uniform themselves in the same form and manner as officers of like grade are uniformed in the regular army of the United States; provided each officer who may think proper may wear janes, with leave to report by bill or otherwise.

Mr Tarrant offered the following preamble and resolution: Whereas doubts exist whether administrators and guardians are compelled by law to pay interest on monies collected by them; as such therefore, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law requiring administrators and guardians, to pay interest on all monies in their hands until paid over, with leave to report by bill or otherwise.

Mr Ross introduced a bill to be entitled an act to increase the number of jurors to attend the circuit court in the county of Wilcox; which was read and ordered to a second reading.

On motion of **Mr Farrar**: *Ordered*, that **Mr Abernathy** be added to the military committee.

Mr M-Collum offered the following resolution: *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of appropriating five thousand dollars of the interest arising from the three per cent fund for the sole purpose of removing the obstructions in the Sipsey river, with leave to report by bill or otherwise; which was rejected. And then the house adjourned until Monday morning 10 o'clock.

Monday, Dec. 5, 1831.—The House met pursuant to adjournment.

Mr Fontaine for the committee on the State bank to whom was referred the several petitions from the establishment of banks in sundry places, and resolutions relative thereto, reported a bill to be entitled an act to incorporate a bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, which was read. Mr Dellet moved that the bill lie on the table and one hundred copies be printed; which was carried.

On motion of Mr Saunders of L: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law giving magistrates jurisdiction in all cases sounding in damages under twenty dollars, with leave to report by bill or otherwise.

Mr McKinley introduced a bill to amend an act to regulate the rate of interest; which was read and ordered to a second reading.

Mr Lane introduced a bill to amend the laws now in force in this State, for the relief of insolvent debtors; which was read and ordered to a second reading.

Mr Lockhart presented the petition of sundry citizens of Marengo county, praying a charter for a bank to be located in the city of Mobile, to be called the Planters' Bank of Mobile; which was read and referred to the committee on the State Bank, to consider and report thereon.

The House then proceeded to the orders of the day. The House then resolved itself into a committee of the whole House on the Governor's message; Mr Dellet in the chair, and after sometime spent in consideration of the same, the committee rose. Mr Speaker resumed the chair, and Mr Chairman reported the following resolutions, which were concurred in and adopted by the House.

Resolved, that so much of the Governor's Message as relates to the University of the State of Alabama, and allowing compensation to the trustees of the University, be referred to the committee on education.

Resolved, that so much of the Governor's message as relates to banking institutions be referred to the committee on the State Bank.

Resolved, that so much of the Governor's message as relates to the tariff be referred to a select committee; whereupon Messrs Moffett, Oliver of M. Augustus, Cook, Lane and Fontaine were appointed said committee.

Resolve *t*, that so much of the Governor's message as relates to internal improvement, be referred to the committee on inland navigation.

Resolve *t*, that so much of the Governor's Message as relates to the establishment of a separate supreme court in this State, be referred to the committee on the judiciary.

Resolve *t*, that so much of the Governor's message as relates to the graduation of punishment of crime by law, be referred to the judiciary committee.

Resolved, that so much for the Governor's message as relates to the State Capitol, be referred to the committee on the State Capitol.

Resolved, that so much of the Governor's message as relates to the public arms, be referred to the military committee.

Resolved, that so much of the Governor's message as relates to the four

hundred thousand acres of land granted this State for the purpose of internal improvement, be referred to the committee on lands appropriated for internal improvement.

Resolved, that so much of the Governor's message as relates to resolutions from the State of Massachusetts, from Delaware, from Louisiana, from Missouri, from Vermont, from Ohio, from Maine and from New-Hampshire, be referred to a select committee to consider and report thereon. Whereupon Messrs Baker, Dellet Paul, M'Kinley, Peete, Brodnax and Payne were appointed said committee.

Resolved, that so much of the Governor's message as relates to Indian affairs, be referred to the committee on Indians and Indian affairs to consider and report thereon.

Mr Baker called up the Governor's message together with the accompanying document, in relation to the northeastern boundary of the State of Maine, and of the United States. Mr Baker moved that the resolutions be referred to the select committee to which was referred sundry resolutions from other States; which was carried.

A message was received from the Governor by James I. Thornton, which is as follows:

To the Senate and House of Representatives of the State of Alabama:

EXECUTIVE OFFICE, Dec. 3, 1831.

Believing that all information in relation to the causes which tend to incite our colored population to insurrectionary movements, would be desirable to the General Assembly, I transmit a copy of a communication from David Crawford, Esq. solicitor of the first judicial circuit; and also a copy of a letter from Mr James M'Kee, to the police of the city of Mobile. These documents disclose the fact, that a slave has been brought into the State, who was sent from North Carolina for distributing seditious publications. There is every reason to believe that others of the same description are among us, and that many more will find their way through the agency of negro speculators, unless speedy and effectual means be adopted to prevent their importation. Slaves of bad character can always be purchased by those traffickers in human flesh, at low prices, and unless the arm of the law be interposed in behalf of our people, it cannot be expected that they will be exempt from scenes similar to those which have been so afflicting to our brethren in Virginia.

It is believed that the encouragement given to our slaves to learn to read, and the practice of preaching by them to large assemblages of their own color, are the fruitful sources of many of the evils to be apprehended. It has occurred to me that nothing could be more desirable than the passage of laws by all the slave-holding States, to prohibit the exportation as well as the importation of slaves for sale. I doubt not that such an understanding might be had among them as would bring about this event. It would effectually prevent the mischief growing out of the introduction of slaves of every description, and would at the same time achieve a triumph for the cause of humanity.

(Signed)

JOHN GAYLE.

Mr Baker moved that the message with accompanying documents be referred to the judiciary committee; which was carried.

Mr M'Rea moved that the orders of the day be suspended; which was carried.

Mr M'Rea introduced a bill to be entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purposes; which was read a first time. Mr Craig moved that the bill lie on the table, and that one hundred copies thereof be printed for the use of the General Assembly.

Mr Wilkinson introduced a bill to be entitled an act to prevent free negroes and mulattoes from retailing spirituous liquors, and for other purposes, passed December 26, 1822; which was read a first time and ordered to a second reading.

Mr Oliver of C. introduced a bill to be entitled an act to allow compensa-

tion to the petit jurors for the county of Conecuh; which was read and ordered to be read a second time.

Mr M'Kinley called up the bill entitled an act to incorporate the Florence bridge company; which was carried.

Mr M'Kinley then moved that the House disagree to the first amendment made by the judiciary committee, by striking out of the second section all after the word "corporation," in the eleventh line of that section; which was carried.

Mr M'Kinley moved that the House disagree to the second amendment, by striking out the third and fourth sections; which was lost. Yeas 28—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Augustus Boyd Bradnax Campbell Cook Craig Faulk Farrar Gilbreath Goyne Hays Hickman Hollis Johnston Kilpatrick King of M. Lockhart M'Kinley M'Rea M'Vay Moffett Norwood Payne Saunders of L. Shearer Snedcor Stephens and Walker.

Those who voted in the negative are, Messrs Speaker Abernathy Acklen Baker Dellet Drish Erwin Fontaine Foster Goodwin Hall of A. Hall of B. Harris Herbert Hubbard Keener King of P. Lane Lea Loyd M'Collum Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Peete Philpatt Rather Ross Rugely Saunders of D. Shackelford Swink Tarrant Terrell Toumin Ward Watkins and Wilkinson.

The report was then concurred in by the House. The bill was then ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit: An act to change the names of, and to render legitimate certain persons therein named; an act to change the times of holding the county courts of Clarke county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to attach a portion of the county of Pike to Henry county, was read a second time and referred to the committee on county boundaries.

Mr Paul, who voted in the majority in the vote just given, moved to reconsider the vote; which was carried. The bill was on motion of mr Ward, referred to the representatives of Pike and Henry counties.

The bill from the Senate entitled an act to form a new regiment in the county of Pickens, was read a second time and referred to the military committee.

The bill from the Senate entitled an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship, was read a second time. Mr M'Kinley moved to amend it by striking out the words "one half acre" to insert the words "two acres;" which was carried. Mr Hubbard moved to amend it by the following proviso: *Provided always*, that the lands so exempted shall belong to, and be the property of citizens of the United States, and shall be used for the purposes of religious worship and no other; which was carried. Mr M'Vay moved that the bill lie on the table; which was lost.

Mr Tarrant moved to amend Mr Hubbard's amendment with the following words, "except for the use of schools." Mr M'Kinley moved to amend mr Tarrant's amendment with the words, "and as burying grounds attached to said churches;" which was carried. Mr Tarrant's amendment as amended, was then adopted. Mr Erwin moved the following amendment to come in after the word "erected," "and public burying grounds on which no churches may be erected;" which was lost. Mr Hubbard offered the following proviso: *And provided further*, that such exemption shall not continue for a longer period than four years after the passage hereof; which was rejected: And

the question being put, Shall the bill be read a third time? It was determined in the affirmative. Yeas 64—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Acklen Augustus Boyd Brednax Campbell Cock Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of P. Harris Hayes Herbert Hickman Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd, M'Afee, M'Collum M'Kuley M'Raë M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Peete Payne Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Suedicor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, Messrs Baker Craig Hollis Hubbard and Johnston.

The bill was ordered to a third reading. And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday Dec. 6, 1831.—The House met pursuant to adjournment.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers; an act to repeal in part and amend an act to revise, consolidate and amend the several acts in relation to justices of the peace and constables, passed December 27, 1814; an act amendatory to the laws concerning divorce; an act for the punishment of attorneys and counsellors at law, and solicitors in chancery for mal-practice; an act in part to repeal an act entitled an act to authorize the county court of Dale county, to sell certain public buildings therein named, approved December 8, 1830; in all of which they ask the concurrence of the House of Representatives.

Bills from the Senate of the following titles, to wit: An act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers; an act to repeal in part and amend an act to revise, consolidate and amend the several acts relative to justices of the peace and constables, passed December 27, 1814; an act amendatory to the laws concerning divorce; an act for the punishment of attorneys and counsellors at law, and solicitors in chancery for mal-practice; and an act in part to repeal an act, entitled an act to authorize the county court of Dale county to sell certain public buildings therein named, approved December 8, 1830; were severally read a first time and ordered to a second reading.

Mr Erwin presented the memorial of the committee appointed by the Mayor and Aldermen of the city of Mobile, praying that some alterations and amendments should be made in their charter of incorporation; which was read and referred to a select committee to consist of messrs Erwin, Toulmin and Hall of B. to consider and report thereon.

Mr Erwin presented the petition or recommendation of sundry citizens, merchants and others of the city of Mobile; recommending Curtis Lewis as a suitable person to fill the office of Harbor Master of the port of Mobile; which was read. Mr Erwin then moved that the petition lie on the table; which was lost. Yeas 35—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Augustus Baker Boyd Brednax Campbell Cock Craig Erwin Faulk Fontaine Foster Gilbreath Hall of A. Hays Hickman Hollis Hubbard Johnston King of M. King of P. Lane Lea Lockhart M'Kuley M'Vay Nabors Oliver of C. Payne Riddle Saunders of L. Shearer Suedicor and Tarrant.

Those who voted in the negative are, Messrs Abernathy Carrell Dellet Drish Farrar Goodwin Goyne Hall of B. Harris Herbert Keener Kilpatrick Loyd M'Afee M'Collum M'Rea Moffett Moore Musgrove Norwood Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Shackelford Swink Stephens Terrell Toulmin Walker Ward Watkins and Wilkinson.

The hour of 12 o'clock having arrived, Mr Hubbard moved that the orders of the day be suspended; which was carried.

Mr Dellet then moved that the further consideration of the petition presented by Mr Erwin in relation to the Harbor Master of the port of Mobile be indefinitely postponed. Upon a question of order, Mr Speaker decided that Mr. Dellet's motion was in order. From which decision Mr Baker appealed. Yeas 55—Nays 16.

The yeas and nays being desired, those who voted in favor of sustaining Mr Speaker are, Messrs Abernathy Boyd Bradnax Carroll Cook Dellet Drish Farrar Fontaine Foster Gilbreath Goodwin Hall of A. Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick Lane Leckhart Loyd M'Afee M'Cullum M'Kinley M'Rae M'flett Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Pette Philip Rather Riddle Ross Rugely Saunders of D. Shackelford Shearer Swink Snelcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkenson.

Those who voted against the decision of Mr Speaker are, Messrs Acklen Augustus Baker Campbell Craig Erwin Faulk Gayne Hays Herbert King of M. King of P. Lea M'Way Payne and Saunders of L.

The question recurred on Mr Dellet's motion and carried. Yeas 41, Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Carroll Dellet Drish Farrar Fontaine Foster Goodwin Gayne Hall of A. Hall of B. Harris Herbert Hubbard Keener Kilpatrick Loyd M'Afee M'Rea M'flett Moore Musgrove Nabers Norwood Oliver of M. Paul Pette Rather Riddle Ross Rugely Saunders of D. Shackelford Swink Terrell Toulmin Walker Ward Watkins Wilkenson.

Those who voted in the negative are, Messrs Acklen Augustus Baker Boyd Bradnax Campbell Cook Craig Erwin Faulk Gilbreath Hays Hickman Hollis Johnston King of M. King of P. Lane Lea Leckhart M'Cullum M'Kinley M'Way Oliver of C. Payne Philip T Saunders of L. Shearer Snelcor Tarrant.

Mr Erwin moved that the orders of the day be suspended; which was lost.

The House then proceeded to the orders of the day. A joint memorial and resolutions of the General Assembly to the Congress of the United States, on the subject of the tariff; and a joint memorial and resolutions of the General Assembly to the Congress of the United States on the subject of the tariff, were severally read a second time. Mr Baker then moved that said memorials be referred to a committee of the whole House at ten minutes after 1 o'clock; P. M.; which was carried.

On motion of Mr Baker: the House then resolved itself into a committee of the whole House, on said memorials and resolutions, Mr Oliver of C. in the chair; and after sometime spent therein, Mr Acklen moved that the committee rise, report progress, and ask leave to sit again on Monday next; which was granted. And then the House adjourned until to-morrow morning at 10 o'clock.

Wednesday, Dec. 7, 1831.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to reduce the salaries of the judges of the circuit courts of this State in certain cases; an act supplementary to an act entitled an act to authorize James Davis and associates to turnpike a certain road therein named. They have also read three several times joint resolutions entitled joint resolutions in relation to the surviving officers and soldiers of the revolutionary army; in all of which they ask the concurrence of the House of Representatives.

Bills and a joint resolution from the Senate of the following titles, to wit: An act to reduce the salaries of the Judges of the circuit courts of this State in certain cases; an act supplementary to an act entitled an act to authorize James Davis and associates to turnpike a certain road therein named; and joint resolution in relation to the surviving officers and soldiers of the revolutionary army; were severally read a first time and ordered to a second reading.

Mr Faulk presented the petition of sundry citizens residing west of the Alabama river, and east of the centre line of townships seven, eight, nine and ten, praying the passage of a law making the channel of the river Alabama, the line between Monroe and Clarke counties; which was read and referred to the representatives of Monroe and Clarke counties.

Mr Erwin presented a recommendation of the branch and deputy pilots of the outer and upper bar of Mobile Bay, recommending Russel H. Lewis especially, as a port warden; which was read. Mr Erwin moved that it lie on the table; which was carried. Yeas 39—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Cook, Craig, Erwin, Faulk, Fontaine, Foster, Gilbreath, Hays, Hickman, Hollis, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, McCollum, McKenley, M'Vay, Moffett, Nabors, Oliver of C. Payne, Riddle, Saunders of L. Shearer, Snedcor, Tarrant, Terrell and Ward.

Those who voted in the negative are, Messrs Abernathy, Carroll, Dellet, Drish, Farrar, Goodwin, Goynes, Hall of B. Harris, Herbert, Keener, Loyd, M'Affee, M'Rea, Moore, Musgrove, Norwood, Oliver of M. Paul, Peete, Rather, Ross, Rugely, Saunders of D. Shackelford, Stephens, Toulmin, Walker, Watkins and Wilkinson.

Mr Oliver of M. presented the petition of Benajah S. Bibb and others, praying a charter of incorporation under the name of the planter's wharf and steamboat company, at the town of Montgomery; which was read and referred to a select committee to consist of messrs Oliver of M. Baker and Rugely, to consider and report thereon.

Mr Lea presented the account of George M. Palmer, jailer of Perry county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Lea presented the petition of sundry citizens of Perry county, in relation to physicians practising medicine; which was read and referred to a select committee to consist of messrs Lea, Herbert and Shearer to consider and report thereon.

Mr King of P. presented a counter petition of sundry citizens of Perry county, on the same subject; which was read and referred to the same committee to consider and report thereon.

Mr Shearer introduced a memorial of the General Assembly of the State of Alabama, asking a reduction of the price of public lands, and that they may be entered in tracts of forty acres; which was read and referred to the same select committee to which was referred sundry resolutions on that subject. Mr Erwin presented the accounts of Richard G. Ryder and Raymond Soto; which was read and referred to the committee on accounts to consider and report thereon.

Mr Oliver of C. from the judiciary committee to whom was referred a bill to be entitled an act concerning slaves and for other purposes, also a resolution to inquire into the expediency of preventing the further introduction of slaves into the State of Alabama, also the message of the Governor with the accompanying documents on the same subject, reported a bill to be entitled an act in relation to slaves, and for other purposes; which was read a first time. Mr Rugely moved that the bill lie on the table, and that one hundred copies thereof be printed for the use of both Houses of the General Assembly; which was carried.

Mr Fontaine, from the committee on the State Bank to whom was referred that part of the Governor's message relative to banking institutions, reported that so much as relates to local Banks, has been embraced by the bill already reported by your committee, and so much as relates to the Bank of the

United States, your committee ask to be discharged from the further consideration of, as that subject had previously been referred to a select committee; in which report the House concurred, and the committee discharged.

Mr Oliver of C. from the judiciary committee to which was referred so much of the message of his Excellency the Governor as relates to the graduation of punishment for crimes, reported that it is improper at this moment to legislate on the subject. Mr Acklen moved that the report lie on the table; which was carried.

The same committee to whom was referred so much of the message of his Excellency the Governor as relates to the establishment of a separate supreme court, reported that a bill is now before this House embracing that subject, and ask to be discharged from the further consideration of the reference; which was granted.

Mr Hubbard moved that the House adjourn until to-morrow morning at 9 o'clock; which was carried. And then the House adjourned.

Thursday, Dec. 8, 1831.—At 9 o'clock, A. M. a quorum not having assembled, Mr Herbert moved a call of the House; which was agreed to. The roll was then called, and the following members answered to their names, to wit: Messrs Speaker, Augustus, Baker, Brodnax, Craig, Dellet, Faulk, Farrar, Foster, Goodwin, Hall of B. Herbert, Johnston, Loyd, M'Rae, Nabors, Oliver of c. Paul, Peete, Philpot, Saunders of D. Tarrant, Terrell, Toulmin, Ward and Watkins.

A quorum then assembled and the House proceeded to business.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act to repeal an act to establish a board of internal improvement for the State of Alabama; an act altering the time of opening and closing the poles at elections in the city and county of Mobile. They have also read three several times and passed a joint resolution authorizing and requiring the quarter master general to remove all the public arms in his possession to the State Capitol; in all of which they ask the concurrence of the House of Representatives.

Bills from the Senate of the following titles, to wit: An act to repeal an act entitled an act to establish a board of internal improvement for the State of Alabama; and an act altering the time of opening and closing the polls at elections in the city and county of Mobile; were severally read a first time and ordered to a second reading. Joint resolutions authorising the quarter master general to remove all the public arms in his possession to the State Capitol, was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the military committee.

Mr Baker moved that the rule of the House which requires that petitions, &c. shall be first read, be suspended; which was carried.

Mr Dellet, who voted in the majority on ordering the bill entitled an act in relation to slaves and for other purposes to be printed, moved to reconsider the vote; which was carried.

Mr Dellet called up the bill, and it was on its second reading. Mr Herbert moved that it lie on the table; which was carried.

Mr Herbert presented the petition of the officers and privates of a company of infantry in the county of Dallas, praying relief and incorporation; which was read and referred to the military committee.

Mr Speaker laid before the House the memorial of William S. Hays, in

relation to the purchase of University lands; which was read and referred to the committee on education to consider and report thereon.

Mr Farrar presented the petition of sundry inhabitants of St Clair county, in relation to physicians practising medicine; which was read and referred to the same committee to which was referred the petition of mr Lea presented on yesterday on the same subject.

Mr Dellet called up the bill entitled an act in relation to slaves, and for other purposes. The bill being on its second reading mr Dellet moved to amend the third section by striking out "five hundred" and "one thousand" where they occur; which was carried. Mr Paul moved to fill the blanks in said section, with the words "five hundred" and "one thousand;" which was lost. Mr Baker moved to fill the blanks with the words "three hundred" and "six hundred;" which was carried.

Mr Baker moved to fill the first blank in the fourth section, with the word "three," and the next blanks with the words "three hundred" and "six hundred;" which was carried.

Mr Dellet moved to fill the blanks in the sixth section, with the words "ten" and "twenty;" which was carried.

Mr Erwin moved the following amendment to come in at the end of the second section; which was adopted: "*Provided also*, that they shall be entitled to introduce under the provisions of this act, any slaves in their possession in the right of their ward or wards.

Mr Hubbard moved the following amendment: "*Be it further enacted*, that hereafter it shall not be lawful for more than five slaves, either with or without passes, to assemble together at any place off the proper plantation to which they belong; and if any slaves do so assemble together, the same shall be deemed and considered as an unlawful assembly.

And be it further enacted, that it shall be the duty of all patrols and officers civil and military, forthwith to cause said slaves so assembled to disperse, and each of said slaves so assembled shall be liable to receive any number of lashes not exceeding ten; and if any slave which may once be punished for attending such unlawful assembly, who shall again offend herein, shall be liable to be punished at the discretion of any magistrate before whom he may be carried for trial, by stripes not exceeding thirty-nine.

And be it further enacted, that the provisions of this act shall not apply to any assemblage of slaves attended by the master, owner or overseers of such slaves. Mr M'Kinley moved that the bill with the proposed amendment be postponed until Saturday next, and that one hundred copies be printed for the use of the two Houses of the General Assembly. Mr Paul moved to amend mr M'Kinley's motion with the words "and be made the special order of the day at 10 o'clock, A. M.;" which was carried.

The question was then on mr M'Kinley's motion as amended and carried. Yeas 57—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Acklen Boyd Campbell Carroll Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of B. Hays Hollis Hubbard Johnston Keener Kilpatrick King of m King of p. Lea Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of c. Paul Payne Peete Philpott Rather Riddle Rugely Saunders of L. Shearer Snedcor Stephens Tarrant Terrell Toulmin Walker Ward and Watkins.

Those who voted in the negative are, Messrs Augustus Baker Brodnax Cook Hall of A. Harris Herbert Hickman Lane Oliver of m. Ross Sauders of n. Swink and Wilkinson.

Mr Musgrove presented the petition of the military officers of the fourteenth

Regiment of Alabama militia, to form another brigade; which was read and referred to the military committee to consider and report thereon.

Mr Harris, from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Madison and Jackson counties, reported a bill to be entitled an act to authorize Joseph G. Garret and James W. Hill to erect a mill on Paintrock river; which was read a first time and ordered to a second reading.

The same committee to whom was referred the petition of John Baird, praying remuneration for losses sustained in Cahawba, in consequence of the removal of the seat of Government from that place, reported that the prayer of the petitioner is unreasonable and ought not to be granted. Mr Herbert moved that the report lie on the table; which was carried.

Mr Harris made the following report: The judiciary committee to whom was referred a joint resolution, instructing the solicitor of the first judicial circuit of the State of Alabama, to take steps to prosecute the sheriff of Monroe county, for failing to make a return of the votes given in Monroe county for Governor at the late election, have, according to order, had the same under consideration, and have instructed me to report, 'That if the sheriff of Monroe, whose duty it was to make return of the votes of said county, is answerable by indictment for having failed to do so, he is answerable by virtue of the laws of the State of Alabama; and the solicitor of the first circuit having taken upon himself the duties of his office as prescribed by law, it is not believed to comport with the dignity of this Legislative body by act or joint resolution to instruct or direct the solicitor of the first circuit, to do that which by law it is his duty to do, and which he is bound to attend to; not only by the duties of his appointment, but which he has sworn to attend to. Your committee beg leave further to remark, that while the Legislature are unapprised why the votes of Monroe county have not reached the seat of government as required by law, not knowing whether the same is attributable to accident or design, it would be premature to direct a prosecution to be set on foot, when for aught that appears to the Legislature there is no ground for the instruction or prosecution. Your committee are of opinion, that when the violation of a statute of the State, either by neglect or refusal to comply with its requisitions, has subjected an individual to penalties imposed, and that it is the duty of a public officer to prosecute for such neglect or refusal, that it is unnecessary that the Senate and House of Representatives should, by act or joint resolution so far prejudice the matter, as to direct a prosecution to be commenced, and thereby place themselves nominally, at least in the attitude of informer and prosecutor. Your committee are of opinion that the resolution is inexpedient and ought not to be passed. Mr Hays moved that the House disagree to the report; which was lost. Yeas 1—Nays 65.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Hays.

Those who voted in the negative are, Messrs Speaker Abernathy Baker Boyd Brodnax Campbell Carroll Cook Craig Dellel Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Pette Philpott, Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

The hour of 12 o'clock having arrived, Mr Hays moved that the orders of the day be suspended; which was carried.

Mr Erwin, from the committee on ways and means to whom was referred

a resolution instructing them to inquire into the expediency of authorizing the judge and commissioners of the several counties of this State, to levy a tax not exceeding twenty-five cents per head, on all cattle in their respective counties, which may be the property of non-residents of this State, reported a bill to be entitled an act making provision for the tax of cattle in this State, which are the property of non-residents; which was read a first time and ordered to a second reading.

Mr Toulmin presented the petition of sundry inhabitants of Mobile county, praying an alteration in the boundary line of said county; which was read and referred to the representatives of Mobile, Baldwin, and Washington counties.

Mr Harris, from the judiciary committee to whom was referred a bill to be entitled an act to repeal in part an act entitled an act to continue in force and amend an act entitled an act to repeal in part and amend an act to regulate the proceedings in the courts of law and equity in this State and for other purposes therein mentioned, passed Dec. 24, 1822, reported that they consider it inexpedient to pass this bill, and that the same be amended by striking out the enacting clause. Mr Hays moved that the House disagree to the report. And then the House adjourned until to-morrow morning at 9 o'clock.

Friday, Dec. 9, 1831.—At 9 o'clock A. M., a quorum not having assembled, Mr Rather moved a call of the House, when the following members answered to their names, to wit: messrs Speaker, Brodeax, Dellet, Faulk, Goodwin, Hall of A., Herbert, Johnston, Keener, Kilpatrick, M'Afee, M'Rea, Moffett, Moore, Nabors, Oliver of C., Peete, Rather, Riddle, Rugely, Saunders of L., Snedcor, Tarrant, Terrell and Ward.

A quorum then assembled and the House proceeded to business.

Mr Harris presented the petition of sundry inhabitants of Washington and Mobile counties, praying an alteration of the boundary line of Mobile county; which was read and referred to the representatives of Washington, Mobile and Baldwin counties.

Mr M'Rea presented the petition of sundry inhabitants of township number four, range number eleven, west, praying the passage of a law, declaring the notes executed for the sale of the northeast quarter section of section number sixteen, township number four, range number eleven, west, to be void; which was read and referred to the committee on education.

The report of the judiciary committee under consideration, when the House adjourned on yesterday being under consideration. Mr Faulk moved that it lie on the table; which was carried.

Mr Dellet, from the judiciary committee to whom was referred a bill to be entitled an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes, reported the following amendment, viz: Strike out the first and second sections of the bill; which was concurred in. The bill was ordered to be engrossed for a third reading.

The same committee to whom was referred a bill to be entitled an act to regulate elections of justices of the peace and constables in certain cases and for other purpose, reported the bill without amendment. Mr Craig moved to amend it by striking out the second section; which was carried. Mr Saunders of L. moved that the bill lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to examine into the expediency of passing a law requiring administrators and guardians to pay interest on all moneys in their hands until paid over, reported that the law as it stands on that subject is sufficient, and ask to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred a resolution directing them to inquire into the expediency of requiring plaintiffs on writs of error to the supreme court, to give security for costs accruing in said court, reported it would be inexpedient to pass the law proposed by the resolution. Mr Drish moved that the House disagree to the report; which was carried. Mr Craig moved that the report lie on the table; which was carried.

The same committee to whom was referred a bill to be entitled an act concerning dower, reported the same as inexpedient, and ask leave to be discharged from the further consideration of the subject. Mr Hubbard moved that the bill and report lie on the table; which was carried.

The same committee to whom was referred a resolution directing them to inquire into the expediency of so altering the patrol laws as to place the appointment and regulations of patrols under the jurisdiction of the magistrates of the several beats in this State, reported that the alteration of the patrol laws as proposed by the resolution, is inexpedient. Mr Rather moved that the report lie on the table; which was carried.

The same committee to whom was referred a bill to be entitled an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823, reported the bill without amendment, and that the same ought to pass: it was ordered to be engrossed for a third reading.

The same committee to whom was referred a bill to be entitled an act to provide a more summary mode for the trial of breaches of the peace, reported that the provisions of the bill are inexpedient, and ask to be discharged from the further consideration thereof. Mr Hubbard moved that the House disagree to the report; which was carried. Yeas 47—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Boyd Brodnax Campbell Craig Drish Faulk Foster Gilbreath Hall of A. Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd McAfee McCollum McKinley MRae MVay Moore Musgrove Nabers Norwood Oliver of M. Philpott Rather Ross Rugely Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Carroll Cook Dellet Erwin Farrar Fontaine Goodwin Hall of B. Harris Moffett Oliver of C. Paul Peete Riddle Saunders of D. Toulmin Watkins and Wilkinsen.

Mr Hubbard moved that the bill be referred to a select committee, whereupon messrs Hubbard Baker and Stephens were appointed said committee.

A message was received from the Senate by mr Conner: Mr Speaker—The Senate have read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit: An act to change the times of holding the county court of Clarke county; an act to change the names of, and to render legitimate certain persons therein named.

Mr Carroll, from the military committee to whom was referred the bill from the Senate entitled an act to form a new regiment in the county of Pickens, reported the same without amendment. The bill was ordered to a third reading.

The same committee to whom was referred the bill entitled an act to authorize Robert Hobdy, colonel commandant of the 42nd regiment Alabama militia, to form a company beat with a less number than forty privates, in the county of Pike, reported the same without amendment; and the constitutional rule being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Carroll, from the military committee to whom was referred a bill to be

entitled an act to exempt physicians and others from military duty, reported that it is inexpedient to legislate upon the subject. Mr Drish moved that the House disagree to the report; which was lost. Yeas 4—Nays 62.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boyd Drish Fontaine and M^r Rae.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Brodnax Campbell Carroll Craig Dellet Erwin Faulk Foster Gilbreath Goodwin Goyne Hall of B. Hall of A. Harris Herbert Hickman Hollis Hubbard Johnston Keener King of M. King of P. Lane Lea Lockhart Loyd M^r Afee M^r Collum M^r Kinley M^r Vay M^r Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr Carroll made the following report:—The military committee to whom was referred a bill to be entitled an act for the relief of the Limestone Guards, have had the same under their consideration, and they have instructed me to report the bill back to the House, with the following amendments: 1st. Strike out the first section after the enacting clause; 2d. to the third section add these words, except such fines as may be assessed at regimental and battalion courts martial; 3d. add to the sixth section these words also, “provided, that it is not reduced under thirty privates. Mr Lane moved that the House disagree to the two first amendments; which was carried. *Ordered*, that the House concur in the other amendment. The bill was then ordered to be engrossed for a third reading.

Mr Harris, from the committee on propositions and grievances to whom was referred the petition of several citizens of Jackson county, reported that they believe it to be inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof; which is granted.

Mr Dellet, from the judiciary committee to whom was referred a bill entitled an act concerning costs, reported that the bill is inexpedient, and ask to be discharged from the further consideration of the same.

Mr Abernathy moved that the House disagree to the report; which was lost. Yeas 30—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Brodnax Campbell Craig Farrar Goodwin Hall of A. Harris Hickman Hollis Hubbard Keener Kilpatrick King of M. King of P. Lea Loyd M^r Afee M^r Collum Moore Musgrove Nabors Norwood Oliver of M. Payne Ross Rugely Snedcor Stephens and Ward.

Those who voted in the negative are, messrs Speaker Acklen Augustus Baker Boyd Carroll Cook Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Goyne Hall of B. Herbert Johnston Lockhart M^r Kinley M^r Rea M^r Vay M^r Moffett Oliver of C. Paul Peete Philpott Rather Riddle Saunders of D. Saunders of L. Shearer Tarrant Terrell Toulmin Walker Watkins and Wilkinson.

Mr Hubbard, from the committee on roads, bridges and ferries to whom was referred a bill to be entitled an act to amend an act approved the 20th of January, 1830, authorizing Samuel Swilley, and others, to mark out a road leading through that part of Pike county now occupied by the Creek Indians, reported the same without amendment, and expedient to pass the bill; in which report the House concurred. The bill was then ordered to be engrossed for a third reading.

Mr Hubbard, from the Judiciary committee to whom was referred a resolution instructing it to inquire into the expediency of passing a law which shall prevent sheriffs taking double commissions in any case, and to provide suitable penalties against the same, reported a bill to be entitled an act further regulating the fees of sheriffs and coroners; which was read a first time, and ordered to a second reading.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law giving magistrates jurisdiction in all cases sounding in damages under twenty dollars, reported a bill to be entitled an act to extend the jurisdiction of justices of the peace, and prevent frivolous law-suits, and for other purposes; which was read a first time and ordered to a second reading.

The hour of 12 o'clock having arrived, Mr Oliver of C. moved that the orders of the day be suspended; which was agreed to.

Mr Oliver of C., from the committee on ways and means to whom was referred a bill to be entitled an act to amend an act entitled an act to raise a revenue for the support of Government until otherwise altered by law, passed the 13th of January, 1827, reported the same with the following amendment: Strike out "twenty-five" and insert "fifty;" which was concurred in. The bill was then ordered to be engrossed for a third reading.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of taxing all retailers of spirituous liquors ——— dollars, reported a bill to be entitled an act to establish the amount persons shall pay for a license to retail spirituous liquors; which was read a first time and ordered to a second reading.

Mr Moffett, from the select committee to whom was referred the petition of Robert Craig, reported a bill to be entitled an act for the relief of Catharine C. Craig, lately Catharine C. Bryan; which was read a first time and ordered to a second reading.

Mr Ward, from the select committee to whom was referred the bill from the Senate entitled an act to attach a portion of the territory of Pike county to Henry county, reported the same without amendment; the bill was then ordered to a third reading.

Mr. Hall of B., presented the petition of sundry inhabitants of Baldwin county, praying the General Assembly to memorialize the Congress of the United States in their behalf for losses sustained during the Creek war; which was read and referred to a select committee to consist of messrs Hall of B., Wilkinson and Toulmin.

On motion, *Ordered*, that messrs Johnston, Tarrant, Watkins, Farrar, Oliver of M. and Drish be added to the select committee appointed on the several petitions presented on the subject of the practice of medicine.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: A bill to incorporate the town of Hayneville; a bill to change the name and to render legitimate certain persons therein named; a bill to change the times of holding the county court of Clark county; all of which originated in this House.

William S. Hays, who voted in the minority availed himself of the constitutional privilege of spreading his reasons on the Journals of this House, upon the question to disagree to the report of the judiciary committee, made upon the joint resolutions instructing the solicitor of the first judicial circuit of the State of Alabama, to take steps to prosecute the sheriff of Monroe county, for failing to make a return of the votes given in Monroe county for Governor at the late election, which are as follows:

The House of Representatives having on yesterday resolved that it is inexpedient to instruct the solicitor of the first judicial circuit to prosecute the sheriff of Monroe county, for failing to make a return of the votes given in Monroe county for Governor, at the late election; and the undersigned, a member of the House of Representatives from the said county, believing the said decision to be highly injurious to the public, claims the constitutional liberty to dissent from the said decision, and asks to have the

following reasons for his said dissent entered on the journals. The resolution which the undersigned had the honor to offer to the consideration of the House is in the following words: *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that the solicitor of the first judicial circuit of this State be instructed to take steps and prosecute the sheriff of Monroe county, for failing to make a return of the votes given in Monroe county for Governor at the late election. This resolution was by order of the House, referred to the judiciary committee, which committee reported that its adoption "*is inexpedient*" for the reasons set forth in their report. The House concurred in the report, and the resolution was of course rejected.

The undersigned is aware that in submitting his reasons in opposition to those contained in the "*report*" of a committee, whose name indicates whatever the fact may be, that it is among the ablest of the House of Representatives, he has to rely alone on the intrinsic soundness and correctness of his views, for the approbation of his constituents.

The argument of the committee will best be understood by the report itself, to which the undersigned cheerfully accords the merit of deep research and labored investigation. "The judiciary committee, to whom was referred a joint resolution, "*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that the solicitor of the first judicial circuit of this State, be instructed to take steps and prosecute the sheriff of Monroe county, for failing to make a return of the votes given in Monroe county for Governor at the late election," have had the same under consideration, and have instructed me to report, that if the sheriff of Monroe, whose duty it was to make returns of the votes of said county, is answerable by indictment for having failed to do so, he is answerable by virtue of the laws of the State of Alabama; and the solicitor of the first circuit having taken upon himself the duties of his office, as prescribed by law, it is not believed to comport with the dignity of the legislative body, by act or joint resolution, to instruct or direct the solicitor of the first circuit to do that, which by law is his duty to do, and which he is bound to attend to, not only by the duties of his appointment, but which he is sworn to attend to.

Your committee beg leave further to remark, that while the Legislature are unapprised why the votes of Monroe county have not reached the seat of Government as required by law, not knowing whether the same is attributable to accident or design, it would be premature to direct a prosecution set on foot, when for aught that appears to the Legislature, there is no ground for the instruction or prosecution. Your committee are of opinion, that when the violation of a statute of the State, either by neglect or refusal to comply with its requisitions has subjected an individual to penalties imposed, and that it is the duty of a public officer to prosecute for such neglect or refusal, that it is inexpedient that the Senate and House of Representatives should, by act or joint resolution, so far prejudice the matter as to direct prosecution to be commenced, and thereby place themselves, nominally at least, in the attitude of informer and prosecutor. Your committee are of opinion that the resolution is inexpedient, and ought not to be passed."

This learned document asserts that the sheriff is answerable by indictment, for failing to make his return; that it is the duty of the solicitor of the first judicial circuit to prosecute him, that it is incompatible with the dignity of the Legislature to direct this officer to do what he is enjoined to do by his official oath, and that therefore it would be improper to interfere in the mode pointed out by the resolution.

In answer to this, the undersigned respectfully submits to his constituents the following sections of the act of 1819, (see Digest, page 274,) "entitled an act to regulate elections, establish certain precincts in the counties therein named and for other purposes. Sec. 3. And be it further enacted, that elections aforesaid shall be conducted by the sheriff and managers appointed in the same manner as heretofore by law directed; and if the sheriff shall fail to make a return of the election to the Seat of Government, in the manner and form as by the constitution directed, within the three first days of the session of the General Assembly, next immediately succeeding such election, he shall forfeit and pay the sum of one thousand dollars, to be recovered by suit, prosecuted by the Attorney General;" and when recovered, paid into the public treasury for the use of the State. This is the last and only act of the General Assembly on this subject, and these are the only sections of that act touching the present inquiry. Instead of the sheriff being liable to an indictment, he is subject to a civil suit, and instead of that suit being prosecuted by the solicitor of the first circuit, it is expressly required to be done by the Attorney General. It is apparent then, that as the law requires the Attorney General to prosecute the suit, the solicitor could not institute proceedings against the sheriff. Had the statute been silent as to the officer

who should bring suit against the sheriff, it might have been deemed the business of the solicitor, but the Attorney General being particularly directed, excludes all others.

The undersigned wishes the resolution he offered to be adopted, because it is out of the power of the Attorney General to perform this duty. He is by law required to perform the duties of solicitor of the third circuit, and it seems to have escaped the observation of the learned judiciary committee, that some one of the courts of this circuit is always in session at the time of holding the circuit court of Monroe county. It is therefore obvious, that unless the solicitor of the first circuit be authorized by law to commence suit against this delinquent sheriff, he will go unpunished for an act which might have changed the result of the election, and *defeated the sovereign will of the people*. The judiciary committee have given another reason for not prosecuting this officer, which is as strange and unaccountable as their oversight of the statute; it is no other than that "for aught that appears to the Legislature he may have failed by accident and not design." The undersigned, in the name of all that is sacred to the people of this country, to their liberties, their property, their reputation and their lives, enters this, *his solemn protest against this doctrine*. If it were established, who could *maintain his rights? what offender could be brought to justice?* The slanderer, the thief, the robber, the murderer; yes, even the ruffian despoiler of female innocence would stalk abroad, triumphing in the atrocity of his crimes. His misdeed could not be inquired into, *because foresooth*, before the inquiry it could not be known whether they were "*attributable to accident or design.*" The humane maxim of the law, that a man is to be presumed innocent until his guilt be made manifest, is applicable to trials in this country before a petit jury; then, and not till then, can its application be invoked, the opinion of the judiciary committee of the representative branch of the Legislature of Alabama to the contrary notwithstanding. The undersigned will not be understood as casting the slightest censure on any member of the House for his vote on the report of the committee. He believes, on the contrary, that the House, as it should have been, was conducted to their conclusion by the lights shed from the *learned report* of the committee. It has misled them, as the undersigned believes, and instead of holding up to them the *unerring guide of the law*, it has led them to a decision in the very teeth of the statute.

(Signed.)

WILLIAM S. HAYS.

Mr Cook introduced a bill to be entitled an act to repeal in part a certain act therein named; which was read a first time and ordered to be read a second time.

Mr Saunders of L. introduced a bill to be entitled an act more effectually to secure to militia officers the infantry tactics received by this State from the General Government; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the military committee.

Mr Shearer introduced a bill to be entitled an act supplemental to an act to turnpike a road therein mentioned, approved January 7, 1830; which was read and ordered to a second reading.

Mr Rugely introduced a bill to be entitled an act to change the time of holding the circuit courts in the second judicial circuit; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the judiciary committee.

Mr Herbert introduced a bill to be entitled an act to change the mode of electing the harbor master and wardens of the port of Mobile; which was read a first time and ordered to a second reading.

On motion of Mr Philpott: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending and altering the times prescribed by law for holding the circuit courts in the different counties in this State, and curtail the number of weeks they are now allowed to sit, with a view so to arrange the several courts as to give the judges longer time to hold the supreme courts of this State.

Mr Carroll presented the annual report of the quarter master general; which was read and laid on the table.

Mr Brodnax introduced a bill to be entitled an act to amend the laws relating to attachments; which was read a first time and ordered to a second reading.

Mr M'Rae presented the report of the adjutant general; which was read and laid on the table.

Mr M'Vay introduced a bill to be entitled an act to authorize John Wilks, administrator of Philip Wilks, dec. to make titles to certain tracts of land therein specified; which was read and ordered to a second reading.

Mr M'Vay introduced a bill to be entitled an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to a certain tract of land therein specified; which was read a first time and ordered to a second reading.

Mr Shearer introduced a bill to be entitled an act to legitimate and change the names of certain persons therein named; which was read and ordered to a second reading.

Mr Craig introduced a bill to be entitled an act to define the liability of parties litigant to pay costs in certain cases therein mentioned; which was read and ordered to a second reading.

Mr Rather introduced a bill to be entitled an act to amend an act to authorize the sales of sixteenth sections, and for other purposes, passed January 15, 1828; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the committee on education to consider and report thereon.

And then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, Dec. 10, 1831.—The House met pursuant to adjournment.

Mr M'Kinley presented the petition of sundry inhabitants of Lauderdale county, praying the passage of a law to erect a bridge over Shoal creek where the military road crosses the same from Florence to Nashville; which was read and referred to the committee on roads, bridges and ferries.

Mr Oliver of c. presented the account of Vining Howard, sheriff of Covington county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Acklen, from the committee on lands appropriated for internal improvement to which was referred a bill for the relief of purchasers of low priced lands, reported the same without amendment. Mr Dellet moved that the bill lie on the table; which was carried.

Mr Watkins presented the memorial of Vining Howard, sheriff of Covington county, praying that John W. Devereux, judge of the county court for Covington county, may be impeached for mal-conduct in office; which was read and referred to a select committee consisting of messrs Cook, Harris, Paul, Ross and Augustus to consider and report thereon.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have amended the resolution of the House of Representatives, proposing to go into the election of an adjutant and inspector general of the State of Alabama, by striking out the words "to-day at twelve o'clock," and inserting in lieu thereof, "on Saturday 10th inst. at the hour of 11 o'clock;" in which they ask the concurrence of your honorable body.

Ordered, that the House concur in the amendment made by the Senate to the resolution. *Ordered*, that the clerk acquaint the Senate therewith.

Mr M'Kinley, from the committee on education to which was referred so much of the Governor's message as relates to compensating the Trustees of the University for their services, reported that in the present state of the funds

of that institution, it would not, in the opinion of the committee, be proper to legislate on the subject, and therefore ask to be discharged from the further consideration of the subject; which was granted.

Mr Acklen, from the committee on lands appropriated for internal improvement to which was referred by resolution so much of the Governor's message as relates to the 400,000 acres of land granted this State for the purpose of internal improvement, reported that there is nothing of a specific character embraced in the resolution, or which, in the opinion of the committee, requires legislative enactment at this time, and they ask to be discharged from the further consideration of the subject; which was granted.

Mr Wilkinson, from the select committee to whom was referred the petition of sundry citizens of Monroe county, reported a bill to be entitled an act to define the line between the counties of Monroe and Clarke; which was read a first time and ordered to a second reading.

Mr Oliver of M. from the select committee to which was referred the petition of Benajah S. Bibb and others, reported a bill to be entitled an act to incorporate the planters wharf and steamboat company; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee consisting of messrs Paul, Oliver of M. and Rugely to report thereon.

Mr Fontaine presented the report of the commissioners appointed to superintend the erection of the State Capitol; which was read and referred to the committee on the State Capitol.

Mr Paul presented the petition of sundry citizens of Dallas county, praying the passage of a law for the removal of all free negroes without the limits of this State; which was read and referred to the same committee to which was referred a resolution offered by mr Oliver of M. on that subject. *Ordered*, that messrs Acklen, Lea, Philpot and Oliver of C. be added to the select committee appointed upon the resolution of mr Oliver of M.

On motion of mr Rather: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them for the purpose of going into the election of an adjutant and inspector general of the State of Alabama. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of an adjutant and inspector general; James G. Carroll and Luke Howard being in nomination. Carroll 83—Howard 4.

Those who voted for mr Carroll are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of C. Hemphill Irwin of H. Lawler M'Elderry Perry Powell Smith Vining. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cock Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Cellum M'Way M'fett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Pette Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedicer Stephens, Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Those who voted for mr Howard are, mr Morton. Reps. Messrs M'Kinley M'Rae and Payne.

Mr Carroll having received a majority of votes, mr Speaker therefore declared him duly elected adjutant and inspector general of the State of Alabama for the ensuing four years, and then the Senate withdrew.

Mr Riddle, from the committee composed of the representation of the

counties of Tuscaloosa, Greene, and Pickens, to whom was referred the bill establishing the boundary line between said counties, reported a substitute in lieu thereof; which was adopted. It was ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Conner, their Secretary: Mr Speaker—The Senate have read three several times and passed, joint resolutions to the Congress of the United States relative to the fortifications on Dauphin Island, in which they ask the concurrence of the House of Representatives; joint resolutions of the Senate to the Congress of the United States relative to the fortifications on Dauphin Island, was read a first time and ordered to a second reading.

Mr Philpott called up the bill entitled an act for the relief of purchasers of low-priced lands. The bill was referred to a select committee, consisting of messrs Philpott, Hickman, and M'Vay.

Mr M'Kinley called up the joint resolution in relation to persons residing on the public lands in this State. Mr M'Kinley moved to amend it, by striking out all after the word "convened," and by substituting another in lieu thereof; which was adopted: and the constitutional rule being dispensed with, it was read a third time forthwith, considered engrossed, and passed. Mr Hubbard moved to amend the title as follows: Joint resolutions in relation to white settlers on Indian territory and State jurisdiction; which was adopted. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Governor by James I Thornton: Mr Speaker—I am instructed by the Governor to inform your honorable body, that he did on the 9th instant approve and sign an act to change the name of a certain person therein named; and an act for the relief of Sterling E. Harrison: both of which originated in your honorable body.

Mr Baker called up the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes. Mr Baker then moved to amend the bill by striking out sections one, two, three, four, five, six, seven, and eight.

Mr Musgrove moved to amend the second section of the bill with the following: "Strike out all after the word "at" in the second line of the second section, to the word "to," in the third line of the same section, and insert the following: "Gunter's landing, on the Tennessee river, from thence with the road leading from said landing to Blountsville; which was adopted. Mr Musgrove moved the following amendment; which was adopted: strike out all after the word "to," in the fourth line of the third section, to the word "thence," in the fourth line of the same section, and insert the following, viz: the Tennessee river, thence up said river, with its meandering, to Gunter's landing, on the same, from thence with the road leading from said landing to Blountsville, to where the same intersects the Georgia road. The question recurred upon Mr Baker's motion to strike out the first eight sections of the bill; and carried. Mr Baker moved the following amendment; which was adopted: Sec. 1. That the civil and criminal jurisdiction of the State of Alabama be, and the same is hereby extended over all the Indian territory within the State of Alabama. Mr Baker moved to strike out section no. 11; which was carried.

The hour of 12 o'clock having arrived, Mr Hickman moved that the orders of the day be suspended; which was carried. Yeas 51—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Acklen Augustus Baker Boyd Bradnax Campbell Carroll Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Hickman Hubbard Johnston Keener Kilpatrick King of M. Lockhart Loyd M'Acfee M'Collum M'Kinley M'Rea M'Way Moore Musgrove Nabors Norwood Paul Payne Philpott Rather Ross Rugely Saunders of D. Shearer Swink Snedcor Stephens Tarrant Terrell Touhain and Ward.

Those who voted in the negative are, Messrs Speaker Cook Craig Dellet Drish Herbert King of P. Lena Lea Moffet Oliver of C. Oliver of M. Peete Riddle Saunders of L. Walker Watkins and Wilkinson.

The House resumed the consideration of the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes. Mr Baker moved to amend the bill by striking out the twelfth section; which was carried. Mr Tarrant moved to strike out of said section these words: "persons residing within the territory occupied by:" which was adopted. Mr Dellet moved the following amendment to the thirteenth section; which was lost: after the word "Indians", in the first line of the thirteenth section, insert half-breeds and quarteroons. Mr Paul moved the following amendment to said section: after the word "Indians," in the first line, insert "or persons of mixed blood descended of Indians," and insert the word such, between "any" and "person," in the 7th line of said section; which was adopted. Mr Paul moved further to amend the section with the following: strike out all after the word "residence" in the second line of the said section, and insert the following; which was adopted: have all the privileges of perpetuating testimony, recording wills and bills of sale and conveyance, with the testimony of such persons before mentioned, as white persons have in their respective counties with which testimony. Mr Campbell moved to strike out the fourteenth section. Mr Saunders of L. moved that the bill lie on the table; which was lost. Mr Baker moved that the further consideration of the bill be postponed until Monday next; which was carried. Mr Philpott moved the following amendment to the fourteenth section: strike out all after the word "that," in the first line, to the word "all," in the second line.

On motion of Mr Oliver of C. *Resolved*, That the select committee appointed to investigate the official conduct of the Judge of the county court of Covington county, be authorized to appoint a messenger to serve notices and subpoenas, and to send for persons and papers, if they shall deem it necessary. And then the House adjourned until Monday morning 10 o'clock.

Monday, Dec. 12, 1831.—The House met pursuant to adjournment.

Mr Riddle made the following report:

The joint committee of both houses of the General Assembly appointed to examine the accounts, vouchers, and books of the offices of the Comptroller and Treasurer, have performed the duty assigned them, and beg leave to report—That they first examined the books, vouchers, and accounts of both offices, from the 26th day of November, 1830, up to the 26th day of November, 1831, the date of their annual reports, by comparing the vouchers in the Comptroller's office with the law authorizing their payment, and by comparing them with the Comptroller's books, and the warrants issued thereon. They also compared the books of the Comptroller and Treasurer, and all the vouchers in the Treasurer's office with his books. The additions of the books in both offices were examined with great care, and were found to be minutely correct. The books appear to have been kept in the neatest and best manner, and the vouchers have been correctly filed. The cash in the treasury, including \$135 of Fayetteville Bank notes, and \$18 12½ in treasury notes, was found to be \$41,679 82, on the 26th day of November last, which was evidenced to us by the amount deposited in bank on that day. Your committee consider it due to those officers, to acknowledge the facility afforded by them in the examination, and the

promptness with which every inquiry was answered. The same mode of examination was pursued as regards the University funds, and up to the same date. The \$18 12½ in treasury notes, your committee destroyed, and authorized the Treasurer and Comptroller to give themselves credit for that amount.

Signed,

TH. S. RIDDLE, *Chairman on the part of the H. of Rep.*

WM. EDMONDSON, *Chairman on the part of the Senate.*

Ordered, that the report lie on the table.

Mr Carroll from the military committee to whom was referred a memorial of the Cahawba Guards and others, reported a bill to be entitled an act to incorporate the Cahawba Guards and for other purposes; which was read a first time, and the constitutional provision requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the provision being further dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The same committee to whom was referred the certificate of Robert Fleming, president of a court martial held in the town of Centreville, Bibb county, certifying that James B. Clark was appointed judge-advocate for said court, reported that the claims of said Clark for services rendered by him, as judge-advocate, accruing at the sitting of said court, ought properly to be paid by the regiment, at whose instance the court was called; in which report the House concurred.

The same committee to whom was referred a resolution instructing them to enquire into the expediency of establishing five musters annually, to wit: two company, one brigade and battalion musters, and forbidding any captain the right of compelling his company to meet oftener, reported that it is inexpedient to legislate upon the subject. Mr Stephens moved that the report lie on the table; which was carried.

Mr Carroll made the following report: The military committee to whom was referred a joint resolution from the Senate, authorizing and requiring the quartermaster general to remove all the public arms in his possession to the State capitol, have had the same under their consideration, and they have instructed me to report the said joint resolution inexpedient. The committee in coming to this conclusion, have been influenced by the following considerations: It is believed that the contemplated place for the public arms (the library room) in the State capitol would be quite as unsafe a deposit for them as where they are now situated. During a greater part of the year, only a few persons (officers of the Government) remain about the capitol, not sufficient in number to repel force if a violent attempt were made to take the arms, the capitol too; being situated some distance from the centre of population in the town of Tuscaloosa. If violence were resorted to, to gain possession of them, it might be effected before the inhabitants of the town could be generally alarmed or apprised of the fact. In addition to this consideration, the architecture of the room not being designed for any such purpose, it is thought from the number and weight of the public arms, they would endanger that part of the building by causing the floor of the room to sink down or give way. For these reasons, together with the *singularity* of converting a library room into a State arsenal, the committee have instructed me to make the foregoing report, all of which is most respectfully submitted; in which report the House concurred.

The same committee to whom was referred a resolution to inquire into the expediency of erecting a State arsenal, reported a bill to be entitled an act authorizing the erection of a State arsenal; which was read a first time and ordered to a second reading.

Mr Paul presented the petition of sundry citizens of Pickens county in relation to the sale of the lots in the town of Pickens, in Pickens county. *Ordered*, that the petition lie on the table.

Mr Lane, from the committee on accounts to whom was referred the account of David Rickets, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred the account of John Lyon, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred the account of William Newson, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration thereof. Mr Hickman moved that the report lie on the table; which was carried. The same committee to whom was referred the account of William Newson and Lowel Newson, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred the account of Raymond Soto, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred the account of Richard G. Ryder, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same; which was granted.

Mr Hubbard from the special committee to whom was referred the bill entitled an act to provide a more summary mode for the trial of breaches of the peace, reported a substitute in lieu thereof; which was adopted.

Mr Hubbard who voted in the majority on the question just taken, moved to reconsider the vote; which was carried.

Mr Acklen then moved that the bill lie on the table, and one hundred copies thereof be printed for the use of the General Assembly; a division of the question being called for, the vote was first taken on laying the bill on the table, and carried; the vote was then taken on printing the bill, and carried.

Mr Erwin presented the petition of sundry citizens of the city of Mobile, in relation to the corporate limits of the said city; which was read and referred to the same committee to which was referred a petition heretofore presented on the same subject.

Mr Erwin presented the account of Theophilus L. Toulmin, sheriff of Mobile county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Drish presented the petition of Gideon Berry, of Tuscaloosa county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

Mr M'Rae called up the bill entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purpose; it was read a second time and referred to the judiciary committee.

Mr Hays presented the petition of the school commissioners of township six, range five, praying the passage of a law to establish a ferry across the Alabama river; which was read and referred to the committee on roads, bridges and ferries.

Mr Riddle offered the following resolution: *Resolved*, by the House of Representatives, that with the concurrence of the Senate, the two Houses will at

the hour of eleven o'clock on the 13th inst. assemble in the Representative Hall for the purpose of electing five wardens for the port of Mobile, and out of that number elect a harbor master for said port. Mr Baker moved that it lie on the table; which was carried.

On motion of mr Philpot: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall on Tuesday, the 13th inst. at the hour of three o'clock, p. m. for the purpose of electing a Comptroller of Public Accounts, and State Treasurer. *Ordered*, that the clerk acquaint the Senate therewith.

Mr M'Kinley introduced a bill to authorize the revival of suits against heirs; which was read a first time and ordered to a second reading.

Mr M'Kinley introduced a bill to amend an act concerning forcible entries and detainers; which was read a first time and ordered to a second reading.

Mr Musgrove introduced a bill to be entitled an act to attach all the Indian Territory lying in the State of Alabama, according to the geographical boundaries, to the counties lying contiguous to the same; which was read a first time and ordered to a second reading.

On motion of mr Carroll: *Resolved*, that the judiciary committee be instructed to report a bill for causing an enumeration of the inhabitants of this State, according to the ninth section of the third article of the constitution.

Mr Hickman called up the report of the committee on accounts made on the account of William Newson. Mr Hickman moved that the account be referred to the committee on propositions and grievances; which was carried.

On motion of mr Baker: The House then resolved itself into a committee of the whole House on the several memorials of the General Assembly of the State of Alabama, to the Congress of the United States on the subject of the tariff, mr Oliver of c. in the chair, and after some time spent therein, the committee rose: Mr Speaker resumed the chair, and mr Chairman reported progress, and leave was asked to sit again; which was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, Dec. 13, 1831.—The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the sheriff of Autauga county, in relation to the election for Governor; which was read and laid on the table.

Mr Ross introduced a bill to be entitled an act for the relief of Winifred Jemison, wife of John Jemison; which was read a first time, and the constitutional provision being dispensed with, it was read a second time forthwith and referred to the judiciary committee to consider and report thereon.

A message from the Senate by mr Morton: Mr Speaker—The Senate have read three several times and passed bills of the following titles, to wit: An act supplementary to an act entitled an act for the improvement of the Tennessee river, and for other purposes; an act to provide for electing and qualifying justices of the peace; an act to emancipate a certain slave therein named; an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama; in all of which they ask the concurrence of the House of Representatives.

Bills from the Senate of the following titles, to wit: An act supplementary to an act entitled an act for the improvement of the Tennessee river, and for other purposes; an act to provide for electing and qualifying justices of the peace; an act to emancipate a certain slave therein named; and an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama; were severally read a first time and ordered to a second reading.

On motion of mr Rather: *Resolved*, that a select committee be appointed to inquire into the expediency of memorializing the Congress of the United States in behalf of the disbanded officers of the United States' army, who served in the same during the late war; weereupon messrs Rather, Wilkinson, Saunders of L. and Gilbreath were appointed said committee.

Mr Riddle offered the following preamble and resolution; which was adopted: Whereas, much inconvenience is felt by the citizens of the most densely populated part of South Alabama, from the want of a public high-way leading in the direction of the seat of government in the State of Mississippi, and being unable to approach it except by a very circuitous route; and whereas, the tide of emigration is setting west, and access to said State being entirely cut off: *Resolved therefore*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of appropriating a part of the three per cent fund to open and construct a road leading from Tuscaloosa, to cross the Warrior river at Foster's ferry, by way of Springfield and Clinton, in Greene county, and to cross the Tombecbee river at some point below the mouth of Oaknoxbree creek, to strike the Mississippi line in the direction of Jackson, or by any point which may seem most eligible, with leave to report by bill or otherwise.

On motion of mr Acklen, *Resolved*, that the Door-Keeper be instructed to furnish two grates for the use of this House, and procure coal for burning in the same.

On motion of mr Payne, *Resolved*, that the committee on education be instructed to inquire into the situation of the funds arising from the sales of the sixteenth sections of land in the different townships, and inquire into the expediency of applying the interest accruing upon the amount of money paid upon said sales to the support of schools in the different townships in which said land was sold.

The House then proceeded to the orders of the day.

The joint memorials of the General Assembly of the State of Alabama, to the Congress of the United States, being under consideration, mr Herbert moved that the further consideration of said memorials be postponed, and made the special order of the day in committee of the whole House for tomorrow; which was carried.

The House resumed the consideration of the bill entitled an act in relation to slaves; and for other purposes; which was read a second time.

Mr Lea moved to amend the third section by striking out the words, "or insubordination," and insert the word "or" before the word "rebellion;" which was adopted.

Mr Riddle moved to strike out the word "five" before the word "days," to insert the word "ten," so that it will read *ten days* instead of *five*; which was adopted. Mr Rugely moved to amend the section by inserting the words "except to a child or children," before the word "or," and after the word "same." Mr Baker moved to amend mr Rugely's amendment with the following: "and said child or children shall be bound by the same provisions contained in this act for the regulation of the parent." Mr Baker moved to amend the fourth section, after the word slaves, with these words, "except to a child or children, who shall be bound by the same provisions for the regulation of the parent;" which was carried. Mr Baker moved further to amend the section by way of the following proviso: "*Provided*, that nothing in this act shall be so construed as to prevent any guardian or guardians from hiring out any slave or slaves that may be hereafter introduced under the pro-

visions of this act belonging to their ward or wards: *And provided further*, that nothing in this act shall be so construed as to extend to executors or administrators of any estate into whose possession any negro or negroes may come introduced under the provisions of this act: *And provided further*, that this act shall not be construed to extend to or effect last wills or testament; which was adopted. Mr Wilkinson moved to amend the sixth section of the bill, by striking out the words "by indictment," with the view to insert the words, "before any magistrate or any court having jurisdiction of the same." Mr Paul moved to mend Mr Wilkinson's amendment with these words, "and that persons subject to the penalties of this act may be held to bail;" which was carried. Mr Wilkinson's amendment as amended was then adopted. Mr Baker moved to amend the sixth section with the following: "and should the person or persons so offending, leave the State, or otherwise avoid the process of the law, said slave or slaves shall be forfeited to the State; which was adopted. Mr Craig moved to amend the section by striking out the word "promulgation," wherever it occurs in the section, with the view to insert the word "passage;" which was adopted. Mr Erwin moved to amend it by the following proviso: "*Provided* said owner of slaves shall be a non-resident; which was lost. Mr Baker moved to strike out the words: "sold or," before the word removed;" which was carried. Mr Baker moved to amend it, by inserting the words "slaves or" after the word "any;" which was carried. Mr Baker moved to strike out the letter s in the section, so that it will read "slave" instead of "slaves;" which was carried. Mr Wilkinson moved to reconsider the vote given on Mr Baker's motion to strike out the words "sold or;" which was carried. The question recurred on Mr Baker's motion to strike out, and lost. Mr Craig moved to amend the section with the words "within thirty days" after the word "sale," and before the word "prior;" which was carried. Mr Philpot moved to amend the section by way of the following proviso: *Provided*, that nothing contained in this section shall prevent any person or persons who may have slaves in this State, at the time of the passage of this act, from availing themselves of the provisions of the third section of this act; which was adopted. The following is Mr Craig's proviso to Mr Baker's amendment by proviso, to the fourth section; which was lost: *And provided further*, that persons who move into this State after the month of March, may hire until the end of the year, at which time the owner of said slaves, and the slaves so hired, shall be subject to all the other provisions of this act. The following is Mr Hickman's proviso to Mr Baker's amendment, by proviso to the fourth section; which was lost: *And provided further*, that nothing in the foregoing sections of this bill shall be so construed as to prevent persons who introduce slaves from hiring said slaves for the space of six months after the introduction of the same. Mr Hickman moved to strike out the sixth section; which was lost. Yeas 11—Nays 56.

Those who voted in the affirmative are, messrs Erwin Hickman Hollis M'Collum Moffett Riddle Saunders of L. Shackleford Snedcor Stephens and Walker.—11.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carrol Cook Craig Dellet Drish Faulk Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Rea M'Vay Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Ross Rugely Saunders of D. Shearer Swink Tarrant Terrell Toulmin Ward and Wilkinson.

And then the House adjourned till 3 o'clock P. M.

At three o'clock P. M. the House met pursuant to adjournment.

The House resumed the consideration of the bill to be entitled an act in relation to slaves, and for other purposes. Mr Baker then moved to fill all the blanks in the seventh section with the word "thirty;" which was carried. Mr Dellet then moved to fill the blank in the eighth section with the word "three;" which was carried. Mr Baker then moved to amend the ninth section, by inserting between the word "has" and "slaves," the words "any slave or;" which was carried. Mr Baker then moved to amend the same section further, by inserting between the words "the" and "slaves," the words "slave or;" which was carried. Mr Dellet moved to fill the first blank in the eleventh section with "one hundred;" which was lost. Mr Baker then moved to amend the same section, by inserting between the words "law" and "and," in the third line thereof, the words "which may be properly cognizable before the circuit courts;" which was carried. Mr Dellet then moved to fill the first blank of the same section with "ninety-nine;" which was lost. Mr Rather moved to fill the same blank with "seventy-five;" which was lost. Mr Paul moved to fill the same blank with "fifty;" which was lost. Mr Acklen moved to fill the same blank with "thirty;" which was lost. Mr Herbert then moved to reconsider the vote on filling the blank with "thirty;" which was lost. Mr Carroll then moved to fill the same blank with "twenty-nine;" which was lost. Mr Lea moved to fill the same blank with "twenty-eight;" which was lost. Mr Abernathy moved to fill the same blank with "twenty-five;" which was lost. Mr Wilkinson moved to fill the same blank with "twenty;" which was lost. Mr Abernathy moved to fill the same blank with "fifteen;" which was lost. Mr Saunders of L. moved to fill the same blank with "ten;" which was lost. Yeas 25—Nays 41.

Those who voted in the affirmative are, messrs Baker Cook Craig Erwin Farrar Foster Gilbreath Goyne Hall of B. Keener King of M. Lockhart M'Collum M'Rea Moore Nabors Oliver of C. Peete Philpott Riddle Saunders of L. Shackelford Swink Snedcor and Ward.

Those who voted in the negative are, Messrs Speaker Abernathy Acklen Augustus Boyd Carroll Dellet Drish Faulk Fontaine Goodwin Harris Hays Herbert Hickman Hollis Hubbard Johnston Kilpatrick King of P. Lane Lea M'Vay Moffett Musgrove Norwood Oliver of M. Paul Payne Rather Ross Rugely Saunders of D. Shearer Stephens Tarrant Terrell Toulmin Walker Watkins and Wilkinson.

Mr Rather then moved to fill the same blank with "five;" which was carried. Mr Erwin then moved to amend the same section by striking out all of the same after the word "costs;" which was carried.

Mr. Wilkinson moved to amend the twelfth section by striking out all after the word "shall" in the third line, with a view to insert the following words: "upon conviction before a justice of the peace, receive thirty-nine lashes on his or her bare back, and for every ten days thereafter that he or she shall remain in this State, he or she shall receive a like punishment." A division of the question being called for, the question was first taken on striking out, and lost. Mr Philpott then moved to amend the same section by inserting between the words "shall" and "forfeit" in the third line, the words "on notice of this act depart within thirty days or shall." Mr Baker moved to amend mr Philpott's amendment by striking out the word "notice" and substituting the word "information" in lieu thereof; which was lost. Mr Erwin then moved to amend mr Philpott's amendment, by adding after the word "notice," the words "given by some justice of the peace, sheriff or constable of the county in which said free negroes may be;" which was lost. Mr Philpott's amendment was then adopted. Mr Drish moved to amend the same section further, by adding to the end thereof the words "and that the proceeds of the sale of said free negroes so forfeiting his or her freedom, shall go, one half to the informer and the other half to the State;" which was carried.

Mr Tarrant moved to amend the thirteenth section by adding the following proviso thereto: "*Provided*, nothing in this section shall prevent Isaiah Hudson, of Shelby county, from educating his children; which was lost. Mr Philpott moved to amend the same section by striking out the words "spell, read or;" which was lost. Mr Saunders of L. moved to amend the same section by striking out of the second line thereof, the words "free persons of color or;" which was lost. Mr Hall of B. moved to amend the same section by adding the following proviso to the end thereof: "*Provided*, that free persons of color who may be descended from French and Spanish parents residing below the thirty-first degree of latitude, shall not be embraced in the provision of this act; which was lost.

Mr Baker then moved to amend the fifteenth section by adding to the end thereof the following words: "and should said slave be again brought into this State, shall be forfeited to the State, one half to the informer and the other to the State, to be sold by order of the Governor, out of the State; which was carried.

Mr Dellet moved to amend the seventeenth section by adding the words "or her" after the word "his" in the last line; which was carried.

Mr Hubbard moved to amend the eighteenth section by adding the words "or her" after the word "his" in the sixth line; which was carried.

Mr Craig then moved to strike out the eighteenth section; which was lost.

Mr Peete moved to amend the bill by adding thereto an additional section, number nineteen; which was carried.

The question was then on Mr Hubbard's amendment, by adding thereto three additional sections, numbers 20, 21 and 22, heretofore offered; which was carried.

Mr Hubbard moved to amend the bill further by adding section number 23; which was carried.

Mr Craig then moved to amend the bill further, by adding thereto an additional section, number 24; which was carried. The bill was then ordered to be engrossed for the third reading, and made the special order of the day for 11 o'clock to-morrow, A. M. And then the House adjourned to 10 o'clock to-morrow, A. M.

Wednesday, Dec. 14, 1831.—The House met pursuant to adjournment.

Mr Foster, Mr Terrell and Mr Lea presented sundry petitions, all in relation to the practice of medicine on the Thompsonian system; which were severally read and referred to the same committee as petitions heretofore presented on the same subject.

Mr Oliver of C. presented the memorial of James D. Hodges, tax collector of Conecuh county; which was read and referred to the committee on propositions and grievances.

Mr Philpott, from the select committee to whom was referred the bill entitled an act for the relief of purchasers of low-priced lands, reported a substitute in lieu thereof. Mr M'Kinley moved that the report lie on the table; which was carried.

A message was received from the Senate by Mr Morton, their assistant Secretary: Mr Speaker—I am instructed by the Senate to inform your honorable body that they have amended the resolution from the House of Representatives, proposing to go into the election of a comptroller of public accounts and State treasurer, on Tuesday the 13th inst. at the hour of 3 o'clock, P. M., by striking out the words "Tuesday the 13th" and insert in lieu thereof, "Wednesday the 14th;" in which they ask the concurrence of the House of Representatives.

Ordered, that the House concur in the amendment made by the Senate to the resolution. *Ordered*, that the clerk acquaint the Senate therewith.

The House then proceeded to the orders of the day.

The engrossed bill entitled an act in relation to slaves, and for other purposes, was read a third time. Mr Wilkinson moved to amend the bill by way of engrossed ryder, with the following section: Sec. 25. *And be it further enacted*, that nothing in this act shall be so construed as to prevent free persons of color and slaves from attending places of public worship, in the presence of respectable white persons. Mr Baker moved to amend mr Wilkinson's amendment by inserting after the word "worship," the words "held by white persons;" which was adopted. Mr Wilkinson moved to strike out all after the word "person;" which was carried. Mr Hubbard moved to amend mr Wilkinson's amendment with the following proviso: *Provided*, that if more than five slaves shall assemble, either in going to or returning from said meeting, they shall be subject to the provisions of the 21st section of this act; which was adopted. The amendment as amended, was read a first, second and third time, and adopted. Mr Baker moved to amend the bill by way of engrossed ryder, by adding thereto the following sections: Sec. —. *And be it further enacted*, that it shall be the duty of all sheriffs and constables to see that the provisions of this act are enforced; and any sheriff or constable who may be an eye witness of the breach of any of the provisions of this act, and shall neglect to see the law enforced, shall, upon conviction before a jury in the circuit court, be deprived of office. Sec. —. *And be it further enacted*, that it shall be the duty of all military officers, who shall be an eye witness to the breach of any one of the provisions of this act, and shall neglect to see the same enforced, shall, upon conviction before any court martial, be cashiered; which was read a first time, and the question being put, Shall the amendment be read a second time? it was determined in the negative. Yeas 27—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Augustus Baker Campbell Cook Craig Drish Fontaine Gilbreath Hall of A. Hays Herbert Hubbard Keener Lane M'Collum Oliver of c. Oliver of M. Paul Payne Ross Rugely Shackleford Shearer Snedicer Terrell and Walker.

Those who voted in the negative are, Messrs Acklen Boyd Brodnax Carroll Dellet Erwin Faulk Farrar Goodwin Goynes Hall of B. Harris Hickman Hollis Johnston Kilpatrick King of n. King of p. Lea Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Moore Musgrove Nabors Norwood Peete Philpot Rather Riddle Saunders of D. Saunders of L. Swink Stephens Tarrant Toulmin Ward Watkins and Wilkinson.

Mr Rather called for the previous question, and the question was, Shall the call for the previous question be sustained? and it was determined in the negative, there not being two thirds of the members voting in the affirmative.

Those who voted in the affirmative are, messrs Brodnax Boyd Faulk Farrar Fontaine Goodwin Goynes Hall of A. Harris Johnston King of m. King of p. Lockhart Loyd M'Kinley M'Rea M'Vay Moffett Moore Nabors Norwood Philpott Rather Riddle Ross Snedicer Tarrant Terrell Toulmin Walker Ward and Wilkinson.

Those who voted in the negative are, Messrs Speaker Acklen Augustus Baker Campbell Carroll Cook Craig Dellet Drish Erwin Gilbreath Hall of B. Herbert Hickman Hubbard Keener Kilpatrick Lane Lea M'Collum Musgrove Oliver of c. Oliver of m. Paul Payne Peete Rugely Saunders of D. Saunders of L. Shackleford Shearer Swink Stephens and Watkins.

Mr Drish moved to amend the bill further by way of engrossed ryder, by adding thereto an additional section, number twenty-six; which was read a first, second and third times; and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 56—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook

Craig Dellet Drish Erwin Faulk Fontaine Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Hayes Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Afee M'Rae Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Swink Terrell Toulmin Ward and Wilkinson.

Those who voted in the negative are, messrs Hollis M'Collum M'Kinley M'Vay Norwood Saunders of L. Shackleford Shearer Snedcor Stephens Walker and Watkins.

Mr Hubbard moved to amend the title of the bill by striking out all after the word "act," and inserting in lieu thereof these words, "to prevent the introduction of slaves into Alabama, and for other purposes; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Saunders of L. then moved that the House adjourn till half past two o'clock, p. m. which was carried. Yeas 43—Nays 22.

The yeas and nays, being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Craig Drish Faulk Fontaine Gilbreath Goyne Herbert Hickman Hubbard Johnston Kilpatrick Lane Loyd M'Kinley M'Rea Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpot Riddle Rugely Saunders of L. Shackleford Swink Snedcor Stephens Tarrant Terrell Toulmin and Ward.

Those who voted in the negative are, messrs Abernathy Dellet Erwin Farrar Hall of A. Hall of B. Harris Hays King of P. Lea Lockhart M'Afee M'Collum M'Vay Moffett Peete Rather Ross Saunders of D. Shearer Walker and Wilkinson.

At half past two o'clock—The House met pursuant to adjournment.

The House proceeded to the orders of the day. The engrossed bill entitled an act to repeal an act to regulate trials before justices of the peace, approved December 31, 1830, being under consideration, Mr Carroll moved that the bill be postponed until to-morrow; which was carried.

The joint memorials to the Congress of the United States on the subject of the tariff, being under consideration, Mr Baker moved that the further consideration thereof be postponed till to-morrow, and be made the special order of the day at the hour of 11 o'clock, in committee of the whole House; which was carried.

Mr M'Collum moved that the orders of the day be suspended for the present; which was carried.

On motion of Mr Rather: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in the Hall for the purpose of going into the election of State Treasurer and Comptroller of Public Accounts. The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a State Treasurer. Harden Perkins only being in nomination. For Harden Perkins, 90 votes.

Those who voted for Mr Perkins are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Pickett, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Harris, Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins and Wilkinson.

Mr Perkins having received all the votes given, was declared by Mr Speaker duly elected State Treasurer for the ensuing year.

The two Houses then proceeded to the election of Comptroller of Public

Accounts. George W. Crabb only being in nomination. For George W. Crabb, 88 votes.

Those who voted for Mr Crabb are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Coopwood, Dupuy, Edmondson, Erwin of G. Hemp-hill, Irwin of H. Lawler, M'Elderry, Merton, Perry, Pickett, Powell, Vining, and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cock, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of B. Harris, Herbert, Hickman, Hollis, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Shearer, Swink, Smedicor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

George W. Crabb having received all the votes given, mr Speaker declared him duly elected Comptroller of Public Accounts for the ensuing twelve months. And then the Senate withdrew.

Mr M'Kinley introduced a bill to authorize the allowance of interest upon certain deposits in bank ; which was read and ordered to a second reading.

The House resumed the consideration of Mr. Philpott's amendment to the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes. The House adjourned untill to-morrow morning 9 o'clock.

Thursday, Dec. 15, 1831.—At 9 o'clock, A. M., a quorum not being assembled, mr Fontaine moved a call of the House, when the following members answered to their names, to wit: Messrs Speaker, Abernathy, Craig, Faulk, Farrar, Fontaine Foster, Goodwin, Hall of B. Harris, Herbert, Johnston, Kilpatrick, Lockhart, M'Afee, M'Rea, M'Vay, Moffett, Nabors, Paul, Peete, Philpott, Rather, Riddle, Saunders of D., Saunders of L., Tarrant, Terrell, Ward, Watkins and Wilkinson.

A quorum then assembled and the House proceeded to business.

Mr Toulmin presented the memorial of Charles A. Henry of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on emancipation.

Mr Lea presented the petition of sundry citizens of Perry county, praying the location of a bank in the city of Mobile, to be called The Planters' Bank of Mobile ; which was read and referred to the committee on the State bank.

Mr Lea, mr Nabors and mr Shearer presented petitions on the subject of the practice of medicine on the Thompsonian system ; they were severally read and referred to the same committee on petitions heretofore on that subject.

Mr Stephens presented the petition of sundry inhabitants of Jackson county, praying that Paint Rock river may be continued a navigable stream ; which was read and referred to the committee on inland navigation.

Mr Hays presented the petition of sundry inhabitants of Monroe county, praying a certain road therein named be continued a public highway ; which was read and referred to the representation from Monroe county.

Mr Brodnax presented the petition of sundry citizens of Autauga county, praying to discontinue and establish a certain election precinct therein named ; which was read and referred to the committee on privileges and elections.

Mr Norwood presented the petition of sundry inhabitants of Jackson county, praying to establish an election precinct as therein named ; which was read and referred to the committee on privileges and elections.

Mr Speaker laid before the House the Memorial of Samuel Bates, of the town of Pensacola, in the territory of Florida, protesting against the establish-

ment of a toll bridge across the Conecuh river in Covington county; which was read and referred to the representation of Conecuh, Covington, Henry and Pike counties, to consider and report thereon.

Mr Dellet, from the judiciary committee to whom was referred a resolution instructing them to report a bill providing for enumeration of the inhabitants of the State as required by the constitution, reported a bill to be entitled an act to provide for taking the census of the State of Alabama; which was read. Mr Dellet moved that the bill lie on the table; which was carried.

Mr Tarrant introduced a bill to be entitled an act to alter a road therein named; which was read a first time, and the constitutional provision being dispensed with, it was read a second time, and the provision being further dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Speaker laid before the House the record and proceedings of the circuit court of Madison county, in the case of Sarah Hine, by her next friend William W. Love, against William Hine for divorce; which was read and referred to the committee on divorce and alimony.

Mr Saunders of L. called up the bill entitled an act for the support of paupers; it was referred to a select committee to consist of messrs Saunders of L. M'Vay and Campbell. Mr Philpott called up the bill entitled an act for the relief of the purchasers of low-priced lands. Mr Hubbard moved to amend the bill by way of the following proviso: *Provided*, that this act shall not extend to any of the reserved lands within one mile of the Tennessee river, and which were reserved for the construction of a canal; which was adopted. Mr Acklen then moved that the further consideration of the bill be indefinitely postponed.

The hour of eleven o'clock having arrived, mr Baker moved that the consideration of the memorials to the Congress of the United States on the subject of the tariff, be postponed to Monday next, and made the special order in committee of the whole House on that day; which was carried. The question recurred upon mr Acklen's motion; which was carried. Yeas 47—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Brodnax Carroll Cook Dellet Drish Erwin Faulk Foster Gilbreath Goynes Hall of A. Hall of B. Hays Herbert Hollis Johnston Kilpatrick King of M. Lockhart M'Affee M'Collum M'Kinley M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Paul Peete Riddle Saunders of D. Saunders of L. Shackleford Swink Sneed Stephens Tarrant Terrell Toulmin Walker Watkins and Wilkinsen.

Those who voted in the negative are, messrs Abernathy Baker Campbell Craig Fontaine Goodwin Harris Hickman Hubbard Keener King of P. Lane Lea M'Rae Moore Oliver of M. Payne Philpott Rather Ross Rugely Shearer and Ward.

A message was received from the Governor by James I. Thornton.

EXECUTIVE OFFICE, 15th December, 1831.

To the House of Representatives of the State of Alabama:

Since my communication to the House of Representatives of the 20th of November, the report of the engineer has been received, which I have transmitted to the Senate, with the request that it be sent by that body to the House of Representatives. The document is of great length, and would require some time to have copies prepared for the two houses; and to prevent delay in laying before the General Assembly the important information it contains, I have deemed it advisable to send the original.

(Signed)

JOHN GAYLE.

Ordered, that said message do lie on the table.

On motion of mr Musgrove, *Ordered*, that mr Loyd have leave of absence until Thursday next.

On motion of mr Rather, *Resolved*, that the rule of this House which

prohibits the clerk from carrying bills to the Senate for their concurrence until the orders of the day are announced, on the day succeeding their passage, be and the same is hereby rescinded; which lies over one day for consideration.

Mr Riddle called up the resolution proposing to go into the election of port wardens for the port of Mobile.

Mr Riddle moved to amend the resolution, by striking out the word "thirteenth," with the view to insert "sixteenth;" which was carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Drish, from the select committee to whom was referred a bill entitled an act to amend an act entitled an act altering the boundary line between the counties of Bibb and Tuscaloosa, approved January 15, 1831, reported a substitute in lieu thereof; which was adopted: and the constitutional provision which requires bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. Mr Drish moved to amend the title, as follows: a bill entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all persons within one mile of the Huntsville road living in Bibb county, to work on said road. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of Mr Rugely, *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of changing the appointment of public weighers in the city of Mobile, from the county court, and that a suitable number be annually elected by the General Assembly; also to inquire into the propriety of reducing the rates of weighage.

Mr Paul, from the select committee to whom was referred the bill entitled an act to incorporate the Planters' Wharf and Steamboat Company, reported the same without amendment. Mr Oliver of M. moved to mend the fourth section, as follows: strike out the letter *s* from the word Directors, so that it will read Director instead of Directors; which was carried. Mr Baker moved to strike out the ninth section of the bill.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have read three several times and passed, joint resolutions which originated in the House of Representatives entitled joint resolutions in relation to white settlers on Indian territory and State jurisdiction.

Mr Oliver of C. moved that the orders of the day be suspended generally; which was lost.

Mr Paul moved that the orders of the day be suspended for the present; which was lost.

The House then proceeded to the orders of the day.

The House resumed the consideration of Mr Philpott's amendment to the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes; and the question being put, shall this amendment be adopted? it was determined in the affirmative. Yeas 37—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Boyd Campbell Craig Dellet Erwin Fontaine Foster Goodwin Hall of A. Hays Hickman Johnston Kilpatrick King of M. Lockhart M'Kinley M'Rea M'Vay Moffett Moore Oliver of C. Peete Philpott, Rather Riddle Saunders of D. Saunders of L. Shackelford Snedcor Terrell Toulmin Walker Watkins and Wilkinson.

Those who voted in the negative are, Messrs Acklen Augustus Baker Brodnax Carroll Cook Faulk Farrar Gilbreath Hall of B. Harris Herbert Hollis Hubbard Keener Lane Lea M'Afee M'Collum Musgrove Nabors Norwood Oliver of M. Paul Payne Ross Rugely Shearer Swink Stephens Tarrant Ward.

Mr Wilkinson then moved to amend the bill by striking out the fifteenth section; which was lost. Mr M'Kinley moved to amend the sixteenth section, by striking out the words "for the purpose of making any law for said tribe," and inserting in lieu thereof the words, "and there make any law for said tribe, contrary to the laws and constitution of this State;" which was carried. Mr Baker moved to amend the sixteenth section further, by striking out the words "person or persons," and inserting in lieu thereof the words "Indian or Indians;" which was carried.

Mr Wilkinson then moved to amend the bill, by striking out the sixteenth section; which was lost. Mr M'Kinley moved to amend the seventeenth section, by inserting between the words "headmen" and "of," in the first line, the words "or any portion;" which was carried. Mr M'Kinley further moved to amend the seventeenth section, by adding at the end thereof the following: and that any person attempting, by persuasion or by force, to prevent such meeting on the part of the Indians, shall, upon conviction thereof before the circuit court of the county where the offence may be committed, be imprisoned — months; which was carried. Mr Musgrove moved to amend the eighteenth section, by striking out the word "June," and inserting in lieu thereof the word "March;" which was lost. Mr Farrar moved to amend the same section by striking out the word "June," and inserting in lieu thereof, the word "January;" which was lost. Mr Norwood moved to amend the same section by striking out the words "June next," and inserting in lieu thereof the words "passage of this act." A division of the question being called for, the question was first put on striking out and carried. The question was then put upon inserting the words "passage of this act," and carried. Yeas 37—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Augustus Baker Brodnax Cook Faulk Farrar Gilbreath Goodwin Goyne Hall of A. Harris Hollis Hubbard Keener Kilpatrick King of M. Lane M'Afee M'Collum M'Kinley M'Vay Nabors Norwood Oliver of C. Oliver of M. Payne Philpot Ross Rugely Saunders of D. Shearer Swink Spedick Stephens Tarrant and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Boyd Campbell Carroll Dellet Drish Erwin Fontaine Foster Hall of B. Hays Herbert Hickman Johnston King of P. Lea Lockhart M'Rae Moffett Musgrove Paul Peete Rather Saunders of L. Shackelford Terrell Toulmin Walker Watkins and Wilkinsons.

Mr Tarrant moved to amend the bill by adding thereto an additional section; which was carried.

The amendments recommended by the judiciary committee in their report upon the bill to the House on a previous day, hereto being under consideration. *Ordered*, that the House disagree to the first amendment proposed by the committee. *Ordered*, that the House disagree to the second amendment proposed by the committee. *Ordered*, that the House disagree to the third amendment proposed by the committee. *Ordered*, that the House disagree to the fourth amendment of the committee proposing to strike out the twenty-third section of the bill. On motion, the House reconsidered the vote disagreeing to the fourth amendment proposed by the committee, and then ordered that the House concur in the fourth amendment proposed by the committee.

Mr Saunders of L. moved to amend the bill by striking out the twenty-first and twenty-second sections thereof; which was carried. Yeas 67—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish

Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Hays Herbert Hickman Hollis Hubbard Johnston Kilpatrick King of M. King of P. Lane Lea Lockhart M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Sneider Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Augustus and Keener.

Mr M'Kinley moved to amend the bill by adding thereto an additional section, as follows: "*And be it further enacted*, that if the process of any court shall be resisted within any of said Indian territory, it shall be the duty of the Governor, upon application of the officer thus resisted, and affidavit filed in the Secretary's office of the facts upon which such application is made, to order out such portion of the militia as in his opinion may be necessary to aid such officer in the execution of such process;" which was lost. Mr Philpot then moved to amend the fourteenth section of the bill by striking out the words "by this act;" which was carried. Mr Craig offered the following amendment by way of proviso, to the first section of the bill: "*Provided*, that nothing in this act shall be so construed as to compel the payment of any contract made with an Indian by a white man, or white men, for the payment of any sum of money, or any specific property." Mr Cook then moved a call of the previous question; and the question being put, Shall the call be sustained? it was determined in the affirmative. The question was then put, Shall the main question be now put? and it was determined in the affirmative. And the main question being, Shall this bill be engrossed for a third reading? it was determined in the affirmative; thereupon the bill was ordered to be engrossed for a third reading.

And then the House adjourned until 10 o'clock, A. M. to-morrow.

Friday Dec. 16, 1831.—The House met pursuant to adjournment.

Mr Goynes presented the petition of sundry inhabitants of Jefferson county, praying the passage of a law to construct a railroad from the town of Decatur, on the Tennessee river, to the town of Selma, on the Alabama river; which was read and referred to a select committee to consist of messrs Goynes, Musgrove, Boyd, Rather, King of M. M'Affee, Nabors and Hubbard.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have instructed me to inform the House of Representatives that they concur in the resolution of the House of Representatives, to go into the election of five wardens for the Port of Mobile, and out of that number to elect a harbor master at the hour of 11 o'clock this day.

Mr Carroll presented the petition of sundry inhabitants of the counties of Madison and Morgan, praying that a ferry be established across the Tennessee river, at the mouth of Cotaco creek; which was read and referred to the representation from the counties of Madison, Limestone and Morgan, to consider and report thereon.

Mr Carroll and Mr Philpot presented counter petitions on the same subject; which were severally read and referred to the same committee to consider and report thereon.

Mr Moore presented the petition of sundry citizens of Wilcox county, praying that William Proctor may be relieved from the duelling law; which was read and referred to the committee on propositions and grievances.

The House resumed the consideration of Mr Baker's motion to strike out the ninth section of the bill entitled an act to incorporate the planters' wharf and steamboat company.

On motion of Mr Riddle: *Resolved*, that the Senate be now informed that

this House is now ready to receive them in the Hall for the purpose of going into the election of wardens and harbor master for the port of Mobile.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of five wardens for the port and harbor of Mobile. Jeremiah Austill, Levin Gayle, Frederick Sheffield, Daniel Fowler, Andrew Armstrong, Samuel G. Swift, William H. Bliss, Curtis Lewis, Russel W. Lewis, William F. Cleveland, William Austin and Hiram Cheeseborough, being in nomination.

For Austill, 73; Gayle, 55; Sheffield, 60; Fowler, 41; Armstrong, 44; S. G. Swift, 29; Bliss, 55; C. Lewis, 50; R. Lewis, 13; W. H. Cleveland, 35; Austin, 9; Cheeseborough, 2.

Those who voted for Mr Austill, are, messrs President, Abercrombie, Anderson, Bridges, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill Irwin of H. Lawler, Morton, Perry, Powell, Smith, Vining, Walthall. Reps. Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of A. Hall of B. Harris, Herbert, Hickman, Hollis, Hubbard, Keener, King of P. Lane, Lea, Lockhart, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Payne, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Swink, Tarrant, Terrell, Ward, Watkins, Wilkinson.

Those who voted for Mr Gayle are, messrs Barclay, Bridges, Conner, Coopwood, Edmondson, Erwin of G. Lawler Perry, Pickett, Smith, Vining and Walthall. Reps. Messrs Abernathy, Acklen, Augustus, Boyd, Campbell, Carroll, Faulk, Foster, Gilbreath, Goodwin, Goynes, Hall of A. Hays, Hickman, Hollis, Johnston, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, M'Afee, M'Kinley, M'Collum, M'Rea, M'Vay, Moffett, Nabors, Norwood, Oliver of C. Payne, Philpot, Rather, Riddle, Saunders of L. Shackleford, Shearer, Swink, Snedcor Terrell, Ward, Wilkinson.

Those who voted for Mr Sheffield are, messrs President Abercrombie Anderson Conner Hemphill Irwin of H. Lawler M'Elderry Morton Perry Pickett Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Cook Carroll Craig Dellet Drish Farrar Fontaine Fester Gilbreath Goodwin Hall of A. Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lea M'Rae Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Swink Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Fowler are, messrs President, Abercrombie, Anderson, Erwin of G. Hemphill, Irwin of H. M'Elderry, Powell, Smith, Reps. messrs Speaker, Augustus, Baker, Cook, Craig, Dellet, Drish, Fontaine, Goodwin, Hall of A. Harris, Herbert, Hickman, Hubbard, Lockhart, Keener, M'Kinley, Moore, Musgrove, Nabors, Norwood, Oliver of M. Paul, Peete, Rather, Ross, Rugely Saunders of D. Shearer, Stephens, Toulman, Watkins.

Those who voted for Mr Armstrong are, messrs President Abercrombie Hemphill Irwin of H. Powell Walthall. Reps. Messrs Abernathy Acklen Baker Brodnax Carroll Cook Craig Dellet Drish Faulk Farrar Fontaine Goodwin Goynes Harris Hays Herbert Hubbard Johnson Keener Lane Lockhart M'Afee M'Kinley Moore Oliver of M. Ross Rugely Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Toulmin Walker Ward Wilkinson.

Those who voted for Mr Swift are, messrs Abercrombie Hemphill Hogan. Reps. Messrs Speaker Baker Brodnax Cook Craig Erwin Faulk Farrar Hall of D. Hays Keener King of M. M'Collum M'Vay Oliver of M. Paul Payne Peete Riddle Ross Rugely Saunders of D. Snedcor Stephens Toulmin and Walker.

Those who voted for Mr Bliss are, messrs Anderson Barclay Conner Coopwood Dupuy M'Elderry, Morton Pickett Powell Smith Vining Walthall. Reps. Messrs Abernathy Acklen Boyd Brodnax Campbell Carroll Drish Farrar Fontaine Foster Gilbreath Goynes Hays Hollis Hubbard Johnson Kilpatrick King of M. King of P. Lane Lea M'Afee M'Collum M'Rea M'Vay Moffet Musgrove Nabors Norwood Oliver of C. Paul Payne Philpott Rather Shackleford Shearer Swink Stevens Tarrant Terrell Walker Ward Watkins.

Those who voted for Mr C. Lewis are, messrs Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Hogan Irwin of H. Lawler M'Elderry Pickett Smith and Vining. Reps.—Abernathy Augustus Boyd Campbell Dellet Erwin Faulk

Gilbreath Goyne Hall of A. Hall of B. Harris Hays Hickman Kilpatrick King of M. King of P. Lea Lockhart M'Collum M'Kinley M'Rea M'Vay Moore Oliver of C. Payne Peete Philpot Riddle Saunders of L. Shearer Swink Walker Ward Watkins Wilkinson.

Those who voted for Mr R. W. Lewis are, messrs Barclay Bridges Dupuy Edmondson Erwin of G. Hogan Morton Pickett. Reps. Erwin Goyne Hall of B. M'Afee and Moffett.

Those who voted for Mr Cleaveland are, messrs President Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hogan Lawler M'Elderry Morton Perry Powell Vining. Reps. messrs Speaker Campbell Erwin Foster Harris Hollis Johnson Kilpatrick King of M. M'Afee M'Collum Musgrove Peete Shearer Snedcor Tarrant Terrell Toulmin Walker.

Those who voted for Mr Austin are, Mr Hogan. Reps. messrs Speaker Hall of B. Hollis Moffet Norwood Peete Snedcor Stephens.

Those who voted for Mr Cheeseborough, are Messrs Perry of the Senate and Herbert of the House of Representatives.

Messrs Austill, Sheffield, Gayle, Bliss, and Curtis Lewis, having received a majority of all the votes given in, were declared by Mr Speaker to be duly elected port wardens of the port of Mobile.

The two Houses then proceeded to elect a harbour master for the port and harbour of Mobile. Messrs Sheffield, C. Lewis, Gayle and Bliss being in nomination, Sheffield, 37; Lewis, 8; Gayle, 30; Bliss 17.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Hemphill Irwin of H. and Perry. Reps. Messrs Speaker Baker Brodnax Carroll Cook Craig Dellet Foster Herbert Hickman Hubbard Johnson Keener King of P. M'Rea Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Philpot Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Lewis are, Messrs Hogan M'Elderry. Reps. Boyd Erwin Hall of B. Harris Peete Ward.

Those who voted for Mr Gayle are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith Walthall. Reps. Augustus Campbell Faulk Goodwin Goyne Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Collum, M'Kinley M'Vay Moffett Payne Riddle Shackelford Snedcor.

Those who voted for Mr Bliss are, Messrs Anderson, Barclay Dupuy Powell and Vining. Reps. Messrs Abernathy Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither person having a majority, the two Houses proceeded to a second ballot, Messrs Sheffield, Gayle, Austill, and Bliss being in nomination. Sheffield, 40—Gayle, 31—Austill, 5—Bliss, 17.

Those who voted for Mr Sheffield are, messrs President Abercrombie Hemphill Irwin of H. M'Elderry Perry. Reps.—Messrs Speaker Abernathy Baker Brodnax Carroll Cook Craig Dellet Foster Hall of B. Herbert Hickman Hubbard Johnston Keener King of P. M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Mr Gayle are, messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith and Walthall. Reps.—Augustus Boyd Campbell Faulk Goodwin Goyne Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Afee M'Collum M'Kinley M'Vay Moffett Payne Riddle Shackelford Snedcor.

Those who voted for Mr Austill are, Mr Hogan. Reps.—Messrs Erwin Harris Oliver of C. Wilkinson.

Those who voted for Mr Bliss are, Messrs Anderson Barclay Dupuy Morton Powell Vining. Reps.—Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither having a majority, the two houses proceeded to a third ballot, Mr Sheffield, Mr Gayle, Mr Austil, and Mr Bliss being in nomination. Sheffield 43—Gayle 31—Austil 4—Bliss 15.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Dupuy Hemphill Irwin of H. M'Elderry Morton Perry. Reps.—Messrs Speaker Abernathy Baker Brodnax Carroll Cook Craig Dellet Foster Hall of B. Harris Herbert Hickman Hubbard Johnston Keener King of P. M'Rae Moore, Musgrove Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Mr Gayle are, Messrs Bridges Conner Coopwood Edmondson Erwin of G. Lawler Pickett Smith Walthall. Reps.—Augustus Boyd Campbell Faulk Goodwin Goyne Hall of A. Hays Kilpatrick King of M. Lane Lea Lockhart M'Affee M'Collum M'Kinley M'Vay Moffett Payne Riddle Shackelford Snedicer.

Those who voted for Mr Austill are, Mr Hogan. Reps.—Messrs Erwin Oliver of C. Wilkinson.

Those who voted for Mr Bliss are, Messrs Anderson Barclay Powell and Vining. Reps.—Acklen Drish Farrar Fontaine Gilbreath Hollis Norwood Shearer Swink Stephens Walker.

Neither having a majority, the two houses proceeded to a fourth ballot, Messrs Sheffield, Gayle, and Austill being in nomination. Sheffield 47—Gayle 40—Austill 5.

Those who voted for Mr Sheffield are, Messrs President Abercrombie Dupuy Hemphill Irwin of H. M'Elderry Morton Perry Powell. Reps.—Messrs Speaker Abernathy Acklen Baker Brednax Carrall Cook Craig Dellet Drish Fontaine Foster Hall of B. Harris Herbert Hickman Hubbard Johnson Keener King of P. M'Rea Moore Musgrave Nabers Oliver of M. Paul Peete Philpott Rother Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Teulmin Ward Watkins.

Those who voted for Mr Gayle are, Messrs Bridges Parckley Conner Coopwood Edmondson Erwin of G. Hogan Lawler Pickett Smith Vining and Walthall. Reps.—Augustus Boyd Campbell Faulk Gilbreath Goodwin Goyne Hall of A. Hays Hollis Kilpatrick King of M. Lane Lea Lockhart M'Affee M'Collum M'Kinley M'Vay Moffet Norwood Payne Riddle Shackelford Shearer Snedicer Stephens Walker.

Those who voted for Mr Austill are, Mr Anderson. Reps.—Messrs Erwin Farrar Oliver of C. and Wilkinson.

Mr Sheffield having received a majority of the votes given, was declared by mr Speaker to be duly elected harbor master for the port of Mobile.—And then the Senate withdrew.

The hour appointed by the rule of the House for the consideration of the orders of the day having arrived, mr Speaker announced the same to the House: Whereupon mr Fontaine moved that the orders of the day be suspended; which was carried.

The House then resumed the consideration of the motion moved by mr Baker on a previous day, to strike out the ninth section of the bill entitled an act to incorporate the planters wharf and steamboat company, and then on motion.

The House adjourned till 10 o'clock, A. M. to-morrow.

Saturday, Dec. 17, 1831.—The House met pursuant to adjournment.

Mr Dellet made the following report: The judiciary committee to whom was referred a bill to be entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, have considered the subject referred to them, and have directed me to report the following resolution and recommend its adoption, viz: *Resolved*, that the trustees of the University of Alabama report to this House, if any of the University lands which have been sold in pursuance of law, have been forfeited for non-payment of the purchase money or any part thereof, and reverted to the University, what amount of land is in that situation, where the same lies, and what legal steps have been taken or are now pending respecting the same; which resolution was adopted.

The same committee to whom was referred a bill to be entitled an act for the relief of Winifred Jemison, wife of John Jemison, reported the following amendment, *And be it further provided*, that this act shall not be so construed as to interfere with the rights of any creditor or creditors to have satisfaction of their demands out of any property in possession of the said Winifred, at this time liable in law to pay and satisfy said demands, in which amendment the House concurred; the bill was then ordered to be engrossed for a third reading.

Mr M'Kinley, from the committee on education to which was referred the

petition of the inhabitants of the fourth township, of range number eleven, west, and of Dabney Ware, reported a bill for the relief of the inhabitants of the fourth township, of the range eleven, west; which was read a first time and ordered to a second reading.

The same committee to which was referred the bill to amend an act to authorize the sale of the sixteenth sections and for other purposes, passed January 15th, 1828, reported the following amendment thereto: Strike out the word "and" at the end of the seventh line, and the word "place" at the beginning of the eighth line in the third section; in which amendment the House concurred. The bill was ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Cenner: Mr Speaker—The Senate have passed bills which originated in the House of Representatives of the following titles, to wit: An act to authorize Robert Hobdy, colonel commandant of the forty-second regiment of Alabama militia, to form a company beat with a less number of privates than forty, in Pike county; an act to incorporate the Cahawba Guards and for other purposes, and have amended the same in the manner herewith shewn. In which amendment they ask the concurrence of your honorable body. *Ordered*, that the House concur in the amendment made by the Senate to said bill.

Mr Hubbard, from the committee on roads, bridges and ferries to whom was referred the petition of a number of the citizens of Dale county, praying that the Legislature would appropriate a sum of money sufficient to erect a bridge across the Choctawhatchy, where the Florida road crosses the same, reported a bill to be entitled an act for the relief of the citizens of Dale county; which was read a first time and ordered to a second reading.

The same committee to whom was referred the petition of the school commissioners of township six, and range five, west of the Alabama river, praying the passage of a law making it imperative on the judge of the county court to grant a license to establish a ferry on said section across the Alabama river, reported that the laws now give power to the commissioners of the sixteenth sections the right to establish ferries, and that the said commissioners have their remedy by application to the proper courts, and that it is inexpedient to legislate thereon. Mr Hays moved that the petition be referred to a select committee, whereupon messrs Hays, Wilkinson and Augustus were appointed said committee to report thereon.

The House resumed the consideration of Mr Baker's motion to strike out the ninth section of the bill entitled an act to incorporate the planter's wharf and steamboat company. Mr Paul then moved to amend the bill by striking out the said section with a view to insert the following: Section 9. *And be it further enacted*, that the said company, or their agent, shall be entitled to receive the rates in the fifth section of this act mentioned; and no other person or persons, company or companies, shall receive any rates of toll or wharfage for any goods or other thing landed on said wharf, or shipped therefrom, or for lying or being on said wharf, any law to the contrary notwithstanding; which was adopted: and the constitutional provision requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. Mr Baker moved to amend the title of the bill as follows: "In the town of Montgomery;" which was adopted: *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Governor by James I. Thornton, Secretary of State, which is as follows:

To the Senate and House of Representatives of the State of Alabama:

EXECUTIVE OFFICE, Dec. 17, 1831.

I herewith lay before the General Assembly copies of a communication from the adjutant general, which accompanied his annual report to the executive, dated 9th Dec. 1831. The comprehensive view which that officer presents of our militia system is now established. The manner in which he has pointed out its defects, and his suggestions of such amendments of the laws as would place it on a more respectable and desirable footing, are well worthy the consideration of the Legislature. It is apparent that the laws have failed in the essential particulars of enforcing such returns from the several divisions and brigades, as will afford any thing like a correct statement of the strength of the militia. This should at all times be known, as well to be prepared against such exigencies as may arise, as to enable us to receive from the General Government the quantity of arms and accoutrements, to which, by the existing laws of Congress, we are entitled.

The Hon. B. W. Wilson, has resigned the office of judge of the county court for the county of Fayette. And the seats of Drs. John R. Lucas and Young A. Gray, in the Medical Board of Huntsville, have been vacated by the death of the former and the failure of the latter to attend the Board at its two last annual meetings.

(Signed) JOHN GAYLE.

Mr Lea moved that the message with the accompanying document be referred to the military committee; which was carried.

Mr Saunders of L., to whom was referred the bill to be entitled an act for the support of paupers, reported the following amendments: Strike out the words "any county," where they occur in the third line of the first section, and insert in lieu thereof the following: "Limestone, Lawrence, Lauderdale and Greene counties," and amended the title by adding the words "in certain counties therein named;" which were concurred in by the House. Mr Herbert who voted in the majority, moved to reconsider the vote just given; which was carried. Mr Moffett moved to amend the amendment by striking out the words "and Greene;" which was carried. The amendment as amended was concurred in, and the bill ordered to be engrossed for a third reading.

Mr Hays, from the select committee to which was referred the petition of sundry citizens of Monroe county, reported a bill to be entitled an act to authorize John Gill and John M. Gill to keep a road open in Monroe county; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on roads, bridges and ferries.

Mr Rugely, from the select committee to whom was referred the petition of sundry inhabitants of Lowndes county, reported a bill to be entitled an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the committee on roads, bridges and ferries.

Mr Rather, from the select committee to which was referred a resolution instructing them to inquire into the expediency of memorializing the Congress of the United States in behalf of the disbanded officers of the United States' army, who served in the same during the late war, reported a memorial of the General Assembly of the State of Alabama to the Congress of the United States, on the propriety of granting lands to the disbanded officers of the late war; which was read and ordered to a second reading.

The question was put on Mr Rather's resolution to rescind a rule of this House, and carried.

Mr M' Rae called up the bill entitled an act for the support of the paupers of Franklin county. Mr Payne moved to amend it by striking out all after the words "State tax," in the seventh section; which was carried. It was then ordered to be engrossed for a third reading.

A message was received from the Governor by Mr Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did on the 15th inst. approve and sign the following bills: An act to change the name of, and to render legitimate certain persons therein named; an act to change the times of holding the county courts of Clarke county; an act to incorporate the town of Hayneville; all of which originated in the House of Representatives.

Mr Harris moved that one hundred copies of Mr Hubbard's amendment made in committee of the whole House to the memorials of the General Assembly of the State of Alabama to the Congress of the United States on the subject of the tariff, be printed for the use of this General Assembly; which was carried.

Mr Musgrove offered the following as one of the rules of this House: *Resolved*, that the following be adopted as one of the standing rules of the House, to wit: All the orders of the day of a local nature, shall be kept in a separate docket, and acted upon in regular numerical order, only on Fridays and Saturdays, excepting in cases of urgency, which days shall be set apart specially for that purpose; which lies over one day.

Mr Fontaine called up the bill entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama. Mr Fontaine then moved that it be made the special order of the day for a second reading on Wednesday next; which was carried.

Mr King of M. introduced a bill to be entitled an act to amend the road laws now in force in this State; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the committee on roads, bridges and ferries.

The House then proceeded to the consideration of the orders of the day.

Mr Baker called up the bill from the Senate entitled an act in part to repeal an act entitled an act to authorize the county court of Dale county, to sell certain public buildings therein named, approved December 8, 1830; the bill was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hickman moved that the orders of the day be suspended for the present; which was lost.

The engrossed bill entitled an act to repeal an act to regulate trials before justices of the peace, approved the 31st December, 1830, was read a third time. Mr Rather called for the previous question, and the question was put, Shall the call be sustained? and lost. And the question being put, Shall this bill pass? it was determined in the negative. Yeas 25—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Boyd Carroll Craig Dellet Gilbreath Hickman Hollis Johnston King of M. Lane Moffett Musgrove Nabors Norwood Paul Peete Riddle Saunders of D. Saunders of L. Swink Tarrant Walker and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Brodnax Campbell Cook Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goynes Hall of A. Hall of B. Harris Hayes Herbert Hubbard Keener Kilpatrick King of P. Lea Lockhart M'Affee M'Collum M'Kinley M'Rea M'Vay Moore Oliver of C. Oliver of M. Payne Philpot Rather Ross Rugely Shackelford Shearer Snedcor Stephens Terrell Toulmin Ward and Watkins.

A message was received from the Senate by mr Morton: Mr Speaker—I am instructed by the Senate to desire the concurrence of the House of Representatives in the following bill, which they have read three several times and passed, to wit: A bill entitled an act to authorize the transfer of causes from the county courts to the circuit courts, in particular cases.

The bill from the Senate entitled an act to authorize the transfer of causes from the county courts to the circuit courts, in particular cases, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Lane moved that the House adjourn until Monday morning 10 o'clock; which was lost. Yeas 31—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Boyd Bradnax Campbell Cook Craig Drish Fontaine Foster Gilbreath Goodwin Hall of A. King of M. Lane Lea M'Collum M'Kinley Moore Musgrove Norwood Oliver of C. Payne Riddle Saunders of L. Shackelford Swink Snedcor Stephens and Watkins.

Those who voted in the negative are, messrs Abernathy Baker Dellet Erwin Faulk Farrar Goynes Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart M'Aice M'Rae M'Vay Moffett Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Shearer Tarrant Terrell Toulmin Walker Ward and Wilkinsons.

The bill entitled an act to authorize the commissioners' courts of the counties of Franklin and Lawrence, to build a bridge across Town creek, was read a second time. Mr Abernathy moved to amend it by inserting after the word "river," the words "at or near;" which was adopted. The bill was then ordered to be engrossed for a third reading.

Mr M'Kinley moved to suspend the orders of the day; which was carried.

Mr M'Kinley offered the following as one of the rules for the government of this House:

Resolved, that all bills at their third reading, shall stand first in order before any general or special order at the hour of 12 o'clock, which lies over one day.

Mr Oliver of C. introduced a bill to be entitled an act for the relief of William Spurlin, treasurer of the county of Covington county; which was read and ordered to a second reading.

On motion of mr Walker: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on Wednesday next, at the hour of 11 o'clock, for the purpose of electing judges for the county court of Marion and Conecuh counties. *Ordered*, that the clerk acquaint the Senate therewith. And then the House adjourned until Monday morning 10 o'clock.

Monday, Dec. 19, 1831.—Mr Speaker laid before the House a communication from Erasmus Walker; which was read and laid on the table.

Ordered, that mr Hollis have leave of absence until Monday next.

Mr Wilkinson presented the petition of sundry citizens of the counties of Clark and Monroe, praying that a bank may be located in the city of Mobile to be called The Planters' Bank of Mobile; which was read and referred to the committee on the State Bank.

Mr M'Rea presented the account of Anderson Bean, former sheriff of Franklin county; which was read and referred to the committee on accounts.

A message was received from the Senate by mr Conner: Mr Speaker—

The Senate have read three several times and passed bills of the following titles, to wit: An act amendatory of the several acts now in force relative to the improving a road leading from Blakely to the upper line of Baldwin county, by the way of Durant's; an act to authorize the investment of a certain sum of money for the purpose of increasing the capital of the Bank of the State of Alabama; an act for the relief of Daniel Clayton and William I. Price; an act to secure to femes covert their estates against the debts of her husband contracted before marriage, and to the husband their estates against the debts of the wife contracted before marriage; an act to preclude from office all members of the Legislature during the terms for which they are elected; an act to repeal an act entitled an act regulating the compensation of jurors in Pickens county, approved 20th December, 1826; an act supplementary to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and other purposes; in all of which they respectfully ask the concurrence of the House of Representatives. They have also passed a bill which originated in the House of Representatives, entitled an act to alter a road therein named, and have amended the same as herewith shewn; in which they ask the concurrence of the House of Representatives. *Ordered*, that the House concur in the amendment made by the Senate to said bill.

The bill from the Senate entitled an act amendatory of the several acts now in force relative to the improving a road leading from Blakely to the upper line of Baldwin county, by way of Durant's, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to a third reading.

Bills from the Senate of the following titles, to wit: An act to authorize the investment of a certain sum of money for the purpose of increasing the capital of the Bank of the State of Alabama; an act for the relief of Daniel Clayton and William I. Price; an act to secure to femes covert their estates against the debts of their husbands contracted before marriage, and to the husband their estates against the debts of the wife contracted before marriage; an act to preclude from office all members of the Legislature during the time for which they are elected; an act to repeal an act entitled an act regulating the compensation of jurors in Pickens county, approved 20th Dec. 1828; and an act supplementary to an act entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, were severally read a first time and ordered to a second reading.

Mr Cook, from the committee on divorce and alimony to whom was referred records in the cases of Elijah Moore against Sarah Moore, and Sarah Hine against Wyldman Hine, reported a bill to be entitled an act to divorce certain persons therein named; which was read and ordered to a second reading.

Mr Hall of B. from the select committee to whom was referred the petition of sundry Creek Indians of mixed blood, reported a memorial of the General Assembly of the State of Alabama to the Congress of the United States for the relief of certain Creek Indians of mixed blood within our State; which was read and ordered to a second reading.

Mr Erwin, from the select committee to whom was referred the petition of a committee of the board of mayor and aldermen of the city of Mobile, reported a bill to be entitled an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, which was read a first time and ordered to a second reading.

Mr M'Kinley moved the adoption of the rule proposed on Saturday the 17th inst. in relation to bills on their third reading; which was agreed to.

Mr Musgrove moved the adoption of the rule proposed on Saturday the 17th inst. in relation to bills of a local nature; which was agreed to.

Mr Fontaine, who voted in the majority in the passage of the bill from the Senate entitled an act to authorize the transfer of causes from the county courts to the circuit courts in particular cases, moved to reconsider the vote; which was carried. Mr Fontaine moved to amend the bill by way of proviso, as an engrossed ryder, which is in these words: *Provided*, that the party at whose instance such cause may be removed to the circuit court, shall give bond with security in an adequate sum conditioned to satisfy the judgment which said circuit court may render in the premises, should the judgment be against the party removing the cause. Mr Hubbard moved that the bill with the proposed amendment lie on the table; which was carried.

The hour of eleven o'clock having arrived, Mr Dellet moved that the several memorials of the General Assembly of the State of Alabama to the Congress of the United States on the subject of the tariff, be postponed until this evening at half past 2 o'clock; which was carried.

On motion of Mr Philpott: *Ordered*, that Mr Fontaine be added to the committee on the State capitol.

On motion of Mr Oliver of M.: *Ordered*, that Mr Stephens be added to the committee on inland navigation.

Mr Cook introduced a bill to be entitled an act to authorize Samuel Grace to erect a bridge therein named; which was read a first time and ordered to a second reading.

On motion of Mr Moslett: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of appropriating part of the interest arising from the three per cent. fund to the opening and improving the State road from Greensborough to Mobile, and passing by Linden and Coffeeville, as laid out by the commissioners appointed for that purpose, by an act approved January 20, 1830; and particularly that they be instructed to inquire into the expediency of appropriating part of said fund to the erection of a bridge over Big Prairie Creek, at the place where it is crossed by said State road.

Mr Fontaine introduced a bill to be entitled an act for the relief of Sarah A. Baker, wife of Peyton Baker; which was read a first time and ordered to a second reading.

On motion of Mr M'Vay: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of appropriating two thousand dollars of the interest arising from the three per cent. fund, in the Bank of the State of Alabama, toward the building a bridge over Shoal creek, in Lauderdale county, near the place where the military road crosses the same, in a direction from Florence to Nashville, Tennessee, with leave to report by bill or otherwise.

Mr Faulk introduced a bill to be entitled an act concerning a certain road therein named; which was read and ordered to a second reading.

On motion of Mr Swink: *Resolved*, that the military committee be instructed to inquire into the expediency of requiring the colonel of each regiment to furnish each justice of the peace with a copy of the minutes of the general courts martial, so far as to show the justices the bounds of his company beat, which shall be evidence in all cases where the bounds of the company are in issue.

On motion of Mr Farrar: *Resolved*, that one hundred copies of the Governor's communication, with the report of the adjutant general of this State, presented to this House on Saturday last, and referred to the military committee, be printed for the use of this House.

Mr M'Collum introduced a bill to be entitled an act defining the liability of endorsers, and for other purposes therein named; which was read a first time and ordered to a second reading.

On motion of Mr Wilkinson: *Resolved*, that a committee be appointed to inspect the map of this State, now under preparation by John La Tourette, and report upon the expediency of authorizing a subscription for twenty-four copies of the same, to be transmitted, one to each State of the Union, and six for the use of the State capitol; whereupon messrs Wilkinson, Fontaine, Cook, Saunders of L. and Herbert were appointed said committee.

Mr M'Collum introduced a bill to be entitled an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, approved the 15th January, 1827; which was read a first time and ordered to a second reading.

Mr Rugely introduced a bill to be entitled an act authorizing a jury to be drawn for the county court of Lowndes county; which was read and ordered to a second reading.

Mr Musgrove offered the following preamble and resolution: Whereas, it is greatly to be desired by a large portion of the citizens of this State, in particular the citizens of Blount and Walker counties, that the Black Warrior river might be made navigable from a point in Blount county known by the name of Baltimore, to the town of Tuscaloosa; and as it is believed by many who have descended said river, in flat-bottomed boats, from the above point to the aforesaid town of Tuscaloosa, that by the removal of some few obstructions in said river, particularly at two points, the Black rock and Squaw shoals, which they believe would be easily done, as the rock are generally loose, the passage would be safe and easy, especially in descending—And whereas, it is much to be desired, as it would greatly relieve the above citizens of Blount and Walker counties from the great inconvenience of wagoning their staple commodity to the town of Tuscaloosa, or the Tennessee river, which expense, with the sterility of a great portion of their soil, have a tendency greatly to oppress the aforesaid citizens—Therefore, *Be it resolved*, that the committee on ways and means be instructed to inquire into the expediency of appropriating three thousand dollars of the three per cent. fund for the purpose of removing the obstructions in the Black Warrior river, above the town of Tuscaloosa, to the place commonly called Baltimore; which was adopted.

Mr Hickman introduced a bill to be entitled an act to provide for the payment of tales jurors; which was read and ordered to a second reading.

Mr Lockhart presented the account of Micajah M'Gee, tax-collector of Marengo county; which was read and referred to the committee on accounts.

Mr Toulmin presented the account of Joseph Bates, Jr. sheriff of Mobile county; which was read and referred to the committee on accounts.

Mr M'Collum introduced a bill to be entitled an act to establish an election precinct therein named; which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time and referred to the committee on privileges and elections.

Mr Lane presented the accounts of Henry Minor, clerk of the supreme court; which was read and referred to the committee on accounts to consider and report thereon.

On motion of Mr Keener: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of proposing to the people of this State an amendment to the 5th section and third article of the Constitution, so that persons, citizens of this State, who have resided in the county sufficiently long to subject them to the payment of poll-taxes, be deemed qualified voters for all civil officers in this State.

Mr Oliver of M. presented the account of Edward Ellis, jailer of Montgomery county; which was read and referred to the committee on accounts.

On motion of Mr Hall of B.: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of appropriating a portion of the three per cent. fund sufficient to open and complete the United States mail road leading from Blakely into the county of Baldwin, by way of the town of Montgomery, in Montgomery county, to the State line in the direction of Washington city.

Mr Acklen introduced a bill to be entitled an act to repeal an act, to regulate trials before justices of the peace, approved December 31, 1830, so far as relates to certain counties therein mentioned; which was read and ordered to a second reading.

Mr M'Rea offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of holding out some inducement to manufacturers of iron and castings, by giving to such the use of a certain amount of the three per cent. fund free of interest for a certain length of time, by securing the same, or proposing any other mode to encourage the manufacturing of iron and castings, and report to this House. Mr Rather moved to amend the resolutions: after the word "castings" insert "bagging and rope." Mr Hickman moved to amend mr Rather's amendment with the following: and also that some inducement be held out to all persons who may engage in the laudable practice of killing wolves." The question was put on mr Rather's amendment, and lost. The question was then put on the adoption of the resolution, and lost.

Mr Hubbard moved that the orders of the day be suspended; which was agreed to.

Mr Hubbard then called up the bill entitled an act to authorize the transfer of causes from the county courts to the circuit courts, in particular cases. Mr Hubbard moved to amend mr Fontaine's amendment by striking out all after the word "proviso," to insert the following: "That in all cases now pending in the county court of Tuscaloosa county, which may be transferred by virtue of the provisions of this act, the judge of said court may require security from the defendant or defendants, for the payment of such judgement as the circuit court may render in the case. Mr Fontaine moved to amend the amendment by striking out the word "may," with the view to insert "shall;" which was disagreed to. The amendment was read three several times and adopted. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of mr Fontaine, the House then proceeded to the consideration of the orders of the day.

The bill entitled an act for the relief of Precilla Reynolds, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bills of the following titles. to wit: An act for the relief of cer-

tain occupants of lands in the counties of Morgan and Madison; an act for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian in the land district of Huntsville; an act authorizing certain persons therein named, to erect a bridge across Flint creek, in Morgan county; an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county; an act to alter the name of James Franklin Cooper, to that of James Franklin Pride; and the name of George Westley Lindsly, to that of George Westley Cockburn; and the name of Felix Lindsly to that of Felix Cockburn; and the name of Louisa Lindsly, to that of Louisa Cockburn; an act to change the name of a certain person therein named; an act to repeal in part and to amend an act entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, approved December 27, 1829; an act to extend the corporation in Limestone county; and an act to amend the several acts in relation to the compensation of the petit jurors in the county of St Clair, were severally read a third time and passed.—*Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned till half past 2 o'clock this evening.

Evening session, half past 2 o'clock.—Mr Lea moved that the orders of the day be suspended; which was lost.

Engrossed bills of the following titles, to wit: An act to establish certain ferries therein specified; and an act to incorporate the Florence Bridge company, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to authorize the administrators of the estate of James Ringstaff, dec. late of Lowndes county, to make title to a certain tract of land therein named, was read a third time. Mr Baker moved to amend the bill by way of engrossed ryder, by adding thereto an additional section; which was read three several times. Mr Rugely moved a call of the House; which was lost. The question recurred on the passage of the bill, and the question being put, Shall this bill pass? it was determined in the negative. Yeas 21—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Farrar Goyne Hall of B. Hayes Johnston Keener King of P. Lea M'Vay Moore Nabors Oliver of M. Rather Rugely Saunders of D. Saunders of L. Shackelford Swink Stephens and Watkins.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Boyd Campbell Carrol Craigh Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Harris Herbert Hickman Hubbard Kilpatrick King of M. Lane Lockhart M'Afee M'Collum M'Kinley M'Rea Moffett Musgrove Norwood Oliver of C. Paul Payne Peete Philpott Riddle Ross Shearer Snedcor Tarrant Terrell Toulmin Ward Walker and Wilkinson.

The bill from the Senate entitled an act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Erwin moved that the rule in relation to bills at their third reading, be suspended; which was carried.

On motion of Mr Hubbard, the House then resolved itself into a committee of the whole House on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States, on the subject of the tariff: Mr Acklen in the Chair, and after some time spent therein, the com-

mittee rose, and Mr Speaker resumed the Chair, and Mr Chairman reported progress, and leave was asked to sit again at the hour of eleven o'clock to-morrow; which was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, Dec. 20, 1831.—The House met pursuant to adjournment.

Mr Terrell presented the petition of sundry inhabitants of Fayette county, praying to attach a part of Tuscaloosa county to Fayette county; which was read and referred to the members of Fayette and Tuscaloosa counties, to consider and report thereon.

Mr Terrell presented the petition of sundry citizens of Tuscaloosa county, in relation to the practice of medicine on the Thompsonian system; which was read and referred to the same committee to which was referred sundry other petitions on the same subject.

Mr Lea, from the select committee to whom was referred the several petitions relative to the practice of medicine, reported a bill to be entitled an act to authorize the patentees therein named to practice medicine; which was read a first time and ordered to a second reading.

Mr Goyné introduced a bill to be entitled an act to authorize a change of venue after the first trial term; which was read a first time and ordered to a second reading.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled a joint resolution and bills of the following titles, viz: A joint resolution in relation to white settlers on Indian territory and State jurisdiction; a bill to incorporate the Cahawba Guards and for other purposes; and a bill to authorize Robert, Hobdy, colonel commandant of the forty-second regiment of Alabama militia, to form a company beat with a less number than forty privates in the county of Pike.

Mr Cook introduced a joint resolution proposing amendments to the constitution of the State of Alabama, so as to increase the number of counties to each judicial circuit; which was read a first time and ordered to a second reading.

On motion of Mr Stephens: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of appropriating six hundred dollars of the interest of the three per cent. fund for the purpose of building two bridges in the county of Jackson, on the stage road, with leave to report by bill or otherwise.

Mr Acklen introduced a bill to be entitled an act to provide for the election of justices of the peace and constables in the corporate limits of the town of Huntsville; which was read a first time and ordered to a second reading.

Mr Saunders of L. offered the following resolution: *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of applying six hundred dollars of the three per cent. fund to the erection of a bridge across Elk river, in the county of Limestone, at the most suitable place in the direction from Athens to Pulaski, in the State of Tennessee, to be determined by the commissioners court of revenue and roads in the county of Limestone: *Provided*, they shall not go below the ford known by the Buck Island, nor above Jones's ferry on said river. Mr M'Affee offered the following amendment: "And also the same amount for the erection of a bridge across Canoe creek in the county of St Clair, where the old State road crosses said creek, one mile north of the county seat of said county; which was lost. The question recurred on the adoption of the resolution, and lost."

Mr Tarrant, who voted in the majority on the rejection of the bill entitled

an act to authorize the administrators of the estate of James Ringstaff, decd. late of Lowndes county, to make title to a certain tract of land therein named, moved to reconsider the vote; which was carried.

The hour of 11 o'clock having arrived, Mr M'Kinley moved that the special order of the day be suspended until 12 o'clock; which was carried.

Mr Baker moved to reconsider the vote given on the adoption of the engrossed ryder to the bill entitled an act to authorize the administrators of the estate of Jame Ringstaff, decd. late of Lowndes county, to make title to a certain tract of land therein named. Mr Baker asked leave to withdraw the amendment; which was granted. And the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 43—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Baker Brodnax Cook Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Hays Herbert Johnston Keener Kilpatrick King of P. Lea M'Afee M'Collum M'Rea M'Vay Moore Musgrove Nabors Oliver of M. Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Swink Stephens Tarrant Terrell Toulmin Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Boyd Campbell Carroll Dellet Drish Harris Hickman Hubbard King of M. Lane Lockhart M'Kinley Moffett Norwood Oliver of C. Payne Peete Philpot Riddle Snedcor Watkins and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Hays, from the select committee to whom was referred the petition of the school commissioners of township six, range five from Clarke and Monroe counties, reported that there is now a bill of general character before this House, embracing the prayer of the petitioners. *Ordered*, that said report lie on the table.

On motion of Mr Toulmin: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law securing to the solicitors and officers of court, and witnesses, their fees in all prosecutions where the defendant proves to be insolvent, from the fines collected in other State cases.

On motion of Mr Erwin: *Resolved*, that the judiciary committee report to this House the constitutionality of establishing a bank and rechartering a bank at the same session of the Legislature.

On motion of Mr Payne: *Resolved*, that so much of the Governor's message as relates to the commissioners appointed to class and value the four hundred thousand acres of land donated to the State of Alabama by the General Government for purposes of internal improvement, be referred to the committee on lands appropriated for internal improvement.

Mr Boyd presented the memorial of James Moore and William White, commissioners appointed to locate the seat of justice of Bibb county; which was read and referred to a select committee, to consist of messrs Boyd, Campbell and Lockhart.

On motion of Mr Snedcor: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of establishing an additional election precinct at Isham Daniel's store, in Greene county; with leave to report by bill or otherwise.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit: An act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7th, 1818, and for other purposes; an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved Dec. 17th,

1823; an act for the relief of the Limestone Guards; an act to amend an act approved 20th Jan. 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians; an act to amend an act entitled an act to raise a revenue for the support of Government until otherwise altered by law, passed the 13th of Jan. 1827; an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved Jan. 20th, 1830, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles, to wit: an act to form a new regiment in the county of Pickens; and an act to attach a portion of the county of Pike to Henry county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State, and for other purposes, was read a third time. Mr Saunders of L. moved to amend the third section of the bill at the end thereof, by way of the following engrossed ryder: "Neither shall any thing in this act be so construed as to authorize the assessment or collection of any tax whatever, from any Indian or person of mixed blood descended of Indians, residing within the limits of the territory claimed by any of the Indian tribes within the chartered limits of this State;" which was read a first time, and the question being put, Shall this amendment be read a second time? it was determined in the affirmative. Yeas 41—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Boyd Campbell Carroll Craig Dellet Drish Erwin Fontaine Foster Goodwin Goyne Hall of B. Hays Hickman Johnston King of P. Lane Lockhart M'Collum M'Kinley M'Rae M'Vay Moffett Moore Oliver of C. Peete Philpott Rather Riddle Saunders of D. Saunders of L. Shackleford Shearer Snedcor Terrell Toulmin Walker Watkins and Wilkinson.

Those who voted in the negative are, messrs Acklen Augustus Baker Brodnax Cook Faulk Farrar Gilbreath Hall of A. Harris Herbert Hubbard Keener M'Affee Musgrove Nabors Norwood Oliver of M. Paul Payne Ross Rugely Swink Stephens Tarrant and Ward.

Mr Musgrove moved to amend mr Saunders' amendment after the word "Indians," and before the word "residing," the words "to the second generation; which was lost. The amendment was then read a third time and adopted. Mr Hickman moved to amend the bill by way of an engrossed ryder, by adding thereto the following: Sec. —. *And be it further enacted*, that the Governor of this State be, and he is hereby required to furnish each of the Indian tribes within the limits of this State, copies of all the statute laws of this State now in force, and with the constitution of the State of Alabama; which was lost. The bill was then put upon its passage, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 53—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Acklen Augustus Baker Brodnax Carroll Cook Drish Faulk Farrar Fontaine Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Hayes Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea M'Affee M'Collum M'Kinley M'Rea Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Toulmin and Ward.

Those who voted in the negative are, messrs Speaker Campbell Craig Dellet Erwin Foster Lockhart M'Vay Moffett Peete Riddle Shackleford Walker Watkins and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Baker moved that the rule in relation to bills at their third reading, be suspended; which was carried.

On motion of Mr Baker: The House then resolved itself into a committee of the whole, on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States, on the subject of the tariff: Mr Oliver of C. in the Chair, and after some time spent therein, the committee rose, Mr Chairman reported progress, and asked leave to sit again at three o'clock this evening; which was granted.

And then the House adjourned until this evening at 3 o'clock.

Evening session, 3 o'clock.—A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have instructed me to ask the concurrence of your honorable body in the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will on Thursday the 22nd inst. at the hour of 11 o'clock, A. M. assemble in the Hall of the House of Representatives for the purpose of electing judges of the county courts of the counties of Pickens and Fayette. They have also read three several times and passed a bill entitled an act making appropriations for the payment of the members and officers of the present General Assembly; in which they ask the concurrence of the House.

Ordered, that the House concur in the resolution. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate making appropriations for the payment of the members and officers of the present General Assembly, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

On motion Mr Lea, the House again resolved itself into a committee of the whole, on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States, on the subject of the tariff: Mr Oliver of C. in the Chair, and after some time spent therein, the committee rose, Mr Chairman reported progress, and leave was asked to set again tomorrow at 11 o'clock, A. M.; which was granted.

And then the House adjourned until to-morrow morning 10 o'clock.

Wednesday, Dec. 21, 1831.—The House met pursuant to adjournment.

Mr Tarrant presented the petition of sundry citizens of the town of Columbia, praying that the limits of said town may be extended, and to allow all persons within its extended limits to vote for a justice of the peace; which was read and referred to a select committee consisting of messrs Tarrant, Nabors and Norwood to consider and report thereon.

Mr Tarrant presented the account of Jacob D. Shelly, sheriff of Shelby county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Craig introduced a bill to be entitled an act to amend an act to authorize the raising of three thousand dollars for the purpose of building a bridge across Shoal creek, approved January 7, 1828; which was read and ordered to a second reading.

Mr Musgrove, from the committee on the military to whom was referred a resolution instructing them to inquire into the expediency of amending the patrol law, reported a bill to be entitled an act amendatory to an act entitled

an act to regulate patrols, and for other purposes, passed December 17, 1819; which was read and ordered to a second reading.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit: An act for the relief of Winefred Jenison, wife of John Jenison; an act to amend an act to authorize the sales of sixteenth sections, and for other purposes, passed January 15, 1828; an act to authorize the commissioners' courts of the counties of Franklin and Lawrence, to build a bridge across Town creek; an act for the support of paupers in certain counties therein named; and an act to provide for the support of paupers in the county of Franklin; were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate to be entitled an act amendatory of the several acts now in force relative to the improving a road leading from Blakely to the upper line of Baldwin county, by way of Durant's, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill to be entitled an act to authorize Enoch H. McNatt to change a part of the State road leading from Tuscaloosa to Bainbridge, was read the second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to organize a separate supreme court, was read the second time; whereupon Mr Craig moved that the further consideration thereof be postponed till the first day of March next.

And then Mr Acklen moved a call of the House; which was carried, and the following members were noted as absentees, to wit: messrs King of M. M'Affee, M'Collum, M'Kinley, Shearer, Stephens, and Tarrant.

The further consideration of the bill was thereupon suspended for one hour, in pursuance of the rule of the House.

The bill entitled an act to provide for digesting the laws of the State of Alabama, was read a second time.

Mr Johnston moved to amend the bill by adding to the end of the first section thereof the following words: "and give the definition of all Latin words between brackets, or in a table;" which was lost. Mr Craig moved to amend the bill by adding to the end of the first section thereof the following words: "and shall embody the decisions of the supreme court;" which was lost. The bill was then ordered to be engrossed for the third reading.

On motion, the House then resolved itself into a committee of the whole on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States on the subject of the tariff, Mr Oliver of C. in the chair, and after some time spent therein, the committee rose, Mr Speaker resumed the chair and Mr Chairman reported progress, and leave was asked to sit again at three o'clock this evening; which was granted.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have read three several times and passed a bill entitled an act to amend an act to suppress the evil practice of duelling, in which they ask the concurrence of the House of Representatives.

And then the House adjourned until 3 o'clock this evening.

Evening Session, three o'clock.—Mr Hubbard asked leave of absence for the members who are trustees of the University, for the remainder of the evening; which was granted.

On motion of Mr Campbell, the House again resolved itself into committee of the whole House on the several memorials to the Congress of the United

States on the subject of the tariff, Mr Oliver of C. in the chair, and after some time spent therein, the committee rose, Mr Cairman reported progress, and leave was asked to sit again at 12 o'clock to-morrow; which was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday, Dec. 22, 1831.—Messrs Stephens and Tarrant tendered sufficient excuses for their non-attendance on yesterday, on a call of the House.

The bill from the Senate entitled an act to amend an act to suppress the evil practice of duelling, was read a first time and ordered to a second reading.

Mr Lea presented sundry petitions on the subject of the practice of medicine on the Thompsonian system; which were severally read and laid on the table.

Mr Wilkinson presented the account of Dabney Edwards, of Clarke county; which was read and referred to the committee on accounts.

Mr Boyd, from the select committee to whom was referred the petition of James Moore and William White, reported a bill to be entitled an act for the relief of James Moore and William White, of Bibb county; which was read a first time and ordered to a second reading.

Mr Tarrant, from the select committee to whom was referred the petition of sundry citizens of the town of Columbia, in Shelby county, reported a bill to be entitled an act extending the limits of the town of Columbia, in Shelby county; which was read a first time and ordered to a second reading.

Mr McKinley introduced a bill to limit actions against securities of officers; which was read a first time and ordered to a second reading.

Mr Rather, who voted in the majority on ordering the bill to a second reading, moved to reconsider the vote; which was carried: and the constitutional provision which requires bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the judiciary committee to consider and report thereon.

A message was received from the Governor, by James I. Thornton, which is as follows:

To the House of Representatives of the State of Alabama:

EXECUTIVE OFFICE, 22d December, 1831.

I respectfully request to be informed by the House of Representatives, whether in their opinion the business before them would receive any detriment, by my absence from the Seat of Government from Friday morning until Tuesday evening next.

(Signed)

JOHN GAYLE.

Ordered, that the said communication do lie on the table.

On motion of Mr Oliver of C: *Resolved*, that a committee be appointed to inform the Governor that the business of this House will not require his presence from Friday morning until Tuesday evening next; whereupon Messrs Oliver of C., Peete and Gilbreath were appointed said committee.

A message was received from the Senate by Mr Conner, their Secretary: Mr Speaker—The Senate concur in the amendments of the House of Representatives to the act authorizing the removal of causes from the county to the circuit courts in particular cases, and the act to exempt from taxation the several churches in the State of Alabama dedicated to religious worship. The Senate have also passed a bill from the House of Representatives entitled an act for the relief of Priscilla Reynolds. They have also passed bills of the following titles: an act to provide for the more speedy trial of slaves and free persons of color; an act to amend an act entitled an act further to provide for the location of the seat of justice in Pickens county, approved 13th Jan. 1830; an act to authorize the judge of the county court and the commissioners of roads and revenue of the county of Montgomery, to establish the rates of toll at the different ferries and bridges on the road leading from the town of Montgomery to Fort Mitchell; an act to repeal in part an act

entitled an act to provide for the more effectual administration of justice; an act to incorporate the Moulton female academy; an act amendatory to the several acts concerning witnesses; an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock in said county; an act to incorporate the Washington light infantry in the county of Autauga; an act to repeal in part an act entitled an act to appoint commissioners for the county of Perry and Marengo, to sell and convey town lots in the towns of Marion and Linden, the seats of justice of said counties, and to erect public buildings in the same; in all of which they ask the concurrence of the House of Representatives.

Bills from the Senate of the following titles, to wit: An act to amend an act entitled an act further to provide for the location of the seat of justice in Pickens county, approved Jan. 13th, 1830; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Montgomery, to establish the rates of toll at the different ferries and bridges on the road leading from the town of Montgomery to Fort Mitchell, and for other purposes; an act to repeal in part an act entitled an act to provide for the more effectual administration of justice; an act to incorporate the Moulton female academy; and an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock in said county, were severally read a first time and ordered to a second reading.

Bills from the Senate of the following titles, to wit: An act to provide for the more speedy trial of slaves and free persons of color; an act amendatory to the several acts concerning witnesses were severally read, and the constitutional provision requiring bills to be read on three several days being dispensed with, they were severally read a second time forthwith, and referred to the judiciary committee to consider and report thereon.

The bill from the Senate entitled an act to incorporate the Washington light infantry in the county of Autauga, was read a first time, and the constitutional provision requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to a third reading.

The bill from the Senate entitled an act to repeal a part of an act entitled an act to appoint commissioners for the county of Perry and Marengo, to sell and convey town lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have amended a resolution from the House of Representatives to go into the election of judges of the county courts of Marion and Conecuh counties, on Wednesday the 21st inst. at 11 o'clock, by striking out "Wednesday 21st," and inserting "Thursday the 22nd inst.," in which they desire the concurrence of your honorable body. *Ordered*, that the House concur in the amendments made by the Senate to the resolution.

Mr Brodnax introduced a bill to be entitled an act to amend an act entitled an act to authorize the sales of sixteenth sections and for other purposes, approved Jan. 15th, 1828; which was read and ordered to a second reading.

On motion of Mr Faulk: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of prohibiting by law the extortions and oppressions practised by a class of citizens calling themselves commission merchants, in towns and cities.

On motion of mr Lockhart: *Resolved*, that the committee on emancipation be instructed to inquire into the expediency of passing a law requiring all those who may hereafter emancipate any slave or slaves within the limits of this State, to provide the necessary means of transportation to Liberia; with leave to report by bill or otherwise.

Mr Musgrove introduced a bill to be entitled an act to repeal a joint resolution therein named; which was read and ordered to a second reading.

On motion of mr M'Collum: *Resolved*, that the Senate be now informed that this House is now ready to receive them for the purpose of going into the election of judges of the county courts for the counties of Fayette, Pickens, Marion and Conecuh.

The Senate having repaired to the Hall of the House of Representatives, and taken their seats, the two Houses then proceeded to the election of a judge of the county court of Fayette county. Walter Harkins being in nomination, for mr Harkins 85 votes.

Those who voted for Mr Harkins are, Messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Perry, Pickett, Smith, Vining, Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Cook, Craig, Dellet, Drish, Erwin, Faulk, Farrar, Fontaine, Foster Gilbreath, Goodwin, Hall of B. Harris, Hays, Herbert, Hickman, Hubbard, Johnston, Keener, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Oliver of C. Oliver of M. Paul, Peete, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Snedcor, Stephens, Tarrant, Terrell, Toulmin, Walker, Ward, Watkins, Wilkinson.

Mr Harkins having received all the votes given in, was declared by mr Speaker to be duly elected judge of the county court of Fayette county.

The two Houses then proceeded to the election of a judge of the county court of Pickens county. James Thompson and Gideon B. Frierson being in nomination, mr Thompson 43—mr Frierson 43.

Those who voted for Mr Thompson are, Messrs Abercrombie, Anderson, Conner, Coopwood, Edmondson, Erwin of G. Irwin of H. Lawler, M'Elderry, Pickett, Vining, Walthall. Reps. Augustus, Boyd, Campbell, Erwin, Faulk, Goodwin, Harris, Hays, Hickman, Hubbard, Johnston, Kilpatrick, King of M. King of P. M'Collum, M'Kinley, M'Vay, Musgrove, Nabors, Paul, Peete, Philpot, Rather, Ross, Saunders of L. Shackleford, Shearer, Stephens, Tarrant, Toulmin, Watkins.

Those who voted for Mr Frierson are, Mr President, Barclay, Bridges, Hemphill, Hogan, Morton, Perry, Smith. Reps. Mr Speaker, Abernathy, Acklen, Baker, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Farrar, Fontaine, Foster, Gilbreath, Hall of B. Herbert, Keener, Lane, Lea, Lockhart, M'Afee, M'Rae, Moffett, Moore, Oliver of C. Oliver of M. Riddle, Rugely, Saunders of D. Swink, Snedcor, Terrell, Walker, Ward, Wilkinson.

Neither having a majority, the two Houses proceeded to a second balloting, George H. Flourney, G. B. Frierson, and James Thompson being in nomination: Flourney 17—Frierson 43—Thompson 39.

Those who voted for Mr Flourney are, Mr President, Anderson, Erwin of G. M'Elderry, Morton, Walthall. Reps. Augustus, Brodnax, Campbell, Cook, Erwin, Peete, Philpot, Riddle, Rugely, Saunders of D. Tarrant.

Those who voted for Mr Frierson are Mr Barclay, Bridges, Hemphill, Hogan, Perry, Smith. Reps. Mr Speaker, Abernathy, Acklen, Baker, Carroll, Craig, Dellet, Drish, Farrar, Fontaine, Foster, Gilbreath, Goynes, Hall of B. Herbert, Hickman, Keener, King of M. Lane, Lea, Lockhart, M'Afee, M'Rea, Moffett, Moore, Oliver of C. Oliver of M. Paul, Swink, Snedcor, Terrell, Toulmin, Walker, Ward.

Those who voted for Mr Thompson are, Messrs Abercrombie, Conner, Coopwood, Edmondson, Irwin of H. Lawler, Pickett, Vining. Reps. Boyd, Faulk, Goodwin, Harris, Hays, Hubbard, Johnston, Kilpatrick, King of P. M'Collum, M'Kinley, M'Vay, Musgrove, Nabors, Rather, Ross, Saunders of L. Shackleford, Shearer, Stephens and Watkins.

Neither having a majority, the two Houses proceeded to a third balloting, mr Flournoy, mr Frierson and mr Thompson being in nomination.

Those who voted for Mr Flournoy are, Mr President Anderson Hemphill M'Elderry Morton Walthall. Reps. Mr Speaker Augustus Brodnax Campbell Cook Erwin Hall of B. Harris Hays Kilpatrick M'Collum M'Kinley Payne Peete Philpott Riddle Saunders of D. Tarrant Toulmin Watkins.—26.

Those who voted for Mr Frierson are, Mr Abercrombie Barclay Bridges Conner Hogan Perry Smith. Reps. Abernathy Acklen Baker Carroll Craig Dellet Drish Farrar Fontaine Foster Gilbreath Goyne Herbert Hickman Hubbard Keener King of M. Lane Lea Lockhart M'Afee M'Rae Moffett Moore Oliver of C. Oliver of M. Paul Rather Rugely Swink Snedcor Stephens Terrell Walker Ward Wilkinson.—43.

Those who voted for Mr Thompson are, Mr Coopwood Edmondson Erwin of G. Irwin of H. Lawler Pickett and Vining. Reps. Boyd Faulk Goodwin Johnson King of P. M'Vay Musgrove Nabors Ross Saunders of L. Shackleford Shearer.—19.

Neither having a majority, the two Houses proceeded to a fourth ballot, mr Flournoy and mr Frierson being in nomination. Flournoy 44—Frierson 44.

Those who voted for Mr Flournoy are, Mr President Anderson Coopwood Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Pickett Vining Walthall. Reps. Mr Speaker Augustus Boyd Brodnax Campbell Cook Erwin Faulk Farrar Fontaine Hall of B. Harris Hays Johnston Kilpatrick King of P. M'Collum M'Kinley Moffett Musgrove Nabors Payne Peete Philpott Riddle Ross Saunders of D. Saunders of L. Shackleford Tarrant Toulmin Watkins.

Those who voted for Mr Frierson are, Mr Abercrombie Barclay Bridges Conner Hogan Irwin of H. Perry Smith. Reps. Mr Abernathy Acklen Baker Carroll Craig Dellet Drish Foster Gilbreath Goodwin Goyne Herbert Hickman Hubbard Keener King of M. Lane Lea Lockhart M'Afee M'Rae M'Vay Moore Oliver of C. Oliver of M. Paul Rather Rugely Shearer Swink Snedcor Stephens Terrell Walker Ward Wilkinson.

Neither having a majority, the two Houses proceeded to a fifth ballot, mr Flournoy and mr Frierson being in nomination: Flournoy 50—Frierson 38.

Those who voted for mr Flournoy are, mr President Anderson Bridges Coopwood Edmondson Erwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Pickett Vining Walthall. Reps. Mr Speaker Augustus Boyd Brodnax Campbell Cook Erwin Faulk Farrar Fontaine Goodwin Hall of B. Harris Hays Hickman Hubbard Johnston Kilpatrick King of P. M'Collum M'Kinley Moffett Musgrove Nabors Payne Peete Philpott Riddle Ross Saunders of D. Saunders of L. Shackleford Tarrant Toulmin Ward Watkins.

Those who voted for mr Frierson are, mr Abercrombie Barclay Conner Hogan Perry Smith. Reps. Abernathy Acklen Baker Carroll Craig Dellet Drish Foster Gilbreath Goyne Herbert Keener King of M. Lane Lea Lockhart M'Afee M'Rea M'Vay Moore Oliver of C. Oliver of M. Paul Rather Rugely Shearer Swink Snedcor Stephens Terrell Walker Wilkinson.

Mr Flournoy having a majority of all the votes given, was declared by mr Speaker duly elected Judge of the County Court of Pickens county.

The two houses then proceeded to elect a Judge of the county court of Marion county, Mr William H. Duke being in nomination. For mr Duke 86 votes.

Those who voted for Mr Duke are, Messrs President Abercrombie Anderson Barclay Bridges Conner Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Pickett Smith Vining and Walthall. Reps—Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goyne Goodwin Hall of B. Harris Hays Herbert Hickman Hubbard Johnson Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Swink Snedcor Stephens Tarrant Terrell Walker Ward Watkins Wilkinson.

Mr Duke having received all the votes given in, was declared duly elected Judge of the county court of Marion county.

The two Houses then proceeded to the election of a Judge of the county

court of Conecuh county, James Weatherford being in nomination. For Mr Weatherford 80 votes.

Those who voted for mr Weatherford are, messrs President Anderson Abercrombie Barclay Bridges Conner Coopwood Edmondson Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps.—Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Collum M'Kinley M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Snedecor Stephens Tarrant Terrell Walker Ward Watkins Wilkinson.

James Weatherford having received a majority of votes, mr Speaker therefore declared him duly elected judge of the county court for Conecuh county. And then the Senate withdrew.

Mr. Baker moved to suspend the rule of this House in relation to bills at their third reading.

On motion of mr Baker, the House again resolved itself into a committee of the whole House on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States, on the subject of the tariff, mr Oliver of C. in the chair; and after some time spent therein, the committee rose, mr Speaker resumed the chair, and mr Chairman reported progress; and leave was asked to sit again at three o'clock this evening; which was granted.

And then the House adjourned until 3 o'clock this evening.

Evening session, 3 o'clock.—On motion of mr Campbell, the House again resolved itself into a committee of the whole House on the several memorials to the Congress of the United States, on the subject of the tariff; and after some time spent therein, the committee rose, and mr Speaker resumed the chair, and mr Chairman reported that the committee had made progress, and leave was asked to sit again on Wednesday next, at the hour of 12 o'clock; which was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday, Dec. 23, 1831.—The House met pursuant to adjournment.

Mr Farrar introduced a bill to be entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; which was read a first time, and the constitutional provision requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith and referred to the committee on roads, bridges and ferries.

Ordered, that messrs Riddle, Shackelford, Goyne and Goodwin have leave of absence from this House until Tuesday next, and that mr Walker have leave of absence until Wednesday next.

Mr Rather, from the committee on privileges and elections to whom was referred sundry petitions and resolutions, reported a bill to be entitled an act to discontinue and establish certain election precincts therein specified; which was read a first time, and the constitutional provision being dispensed with, it was read a second time forthwith and committed to the committee on privileges and elections.

Ordered, that messrs King of P. and M'Collum have leave of absence of this House until Tuesday next.

Mr Ross introduced a bill to be entitled an act to appoint public weighers in the city of Mobile, and for other purposes; which was read and ordered to a second reading.

Mr Hubbard, from the committee on roads, bridges and ferries to whom

was referred a bill to authorize Barnabas Blackman and his associates to turnpike a certain road therein named, reported the following amendment to come at the end of the second section: "*Provided*, that the General Assembly shall have power to reduce the toll allowed by this act, after the expiration of five years from the passage thereof, on the petition of two hundred citizens of said county; which was adopted. The bill was ordered to be engrossed for a third reading.

The same committee to whom was referred the petition of John Gill and John M. Gill, praying that they may be authorized to keep open a certain road therein named at their own expense, together with the bill to authorize John Gill and John M. Gill to keep a road open in Monroe county, reported that the prayer of the petitioners appears to be reasonable, and ought to be granted, and that the bill for that purpose ought to pass; in which report the House concurred. Mr Dellet moved to amend the bill by way of the following proviso: "*Provided*, that this act shall not be so construed as to authorize the said John Gill and John M. Gill, to run said road over the land belonging to individuals in the neighborhood of said road, unless with the consent of said individuals or owners, or, unless the said individuals or owners shall be compensated for the injury done to their lands in consequence of the privilege above granted, as now provided by law for the establishment of public roads; which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Swink introduced joint resolutions proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof; which was read and ordered to a second reading.

Mr Faulk offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the twelfth section of the fifth article of the constitution, that the judges of the circuit and county courts hereafter, shall be elected by the qualified electors in their respective circuits and counties. Mr Hubbard moved to amend it by striking out the words "circuits and;" which was carried. Yeas 44—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Augustus Campbell Carroll Craig Erwin Faulk Farrar Foster Gilbreath Hall of A. Hall of B. Herbert Hickman Hubbard Johnston Keener King of M. Lockhart Loyd M'Afee M'Kinley M'Ray M'Vay Moffett Moore Musgrove Nabors Norwood Paul Payne Philpot Rather Ross Rugely Saunders of D. Shearer Swink Snedcor Stephens Terrell Toulmin and Watkins.

Those who voted in the negative are, messrs Speaker Baker Brodnax Cook Dellet Drish Fontaine Harris Hays Kilpatrick Lane Lea Oliver of C. Peete Saunders of L. Tarrant Ward and Wilkinson.

Mr Saunders of L. moved that the further consideration of the resolution be postponed until the first day of March next; which was lost. Yeas 17—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Baker Brodnax Carroll Cook Dellet Drish Harris Lane Moffett Oliver of M. Peete Saunders of D. Saunders of L. Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Campbell Craig Erwin Faulk Farrar Fontaine Foster Gilbreath Hall of A. Hall of B. Hayes Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lea Lockhart Loyd M'Afee M'Kinley M'Rea M'Vay Moore Musgrove Nabors Norwood Oliver of C. Paul Payne Philpott, Rather Ross Rugely Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin and Ward.

The question recurred upon the adoption of the resolution as amended, and carried. Yeas 47—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Campbell Craig Erwin Faulk Farrar Fontaine Foster Gilbreath Hall of A. Hall of B. Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lea Lockhart Loyd M'Afee M'Kinley M'Rea M'Vay Moore

Musgrove Nabors Norwood Oliver of C. Paul Payne Philpot Rather Ross Rugely Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin and Ward.

Those who voted in the negative are, messrs Speaker Acklen Brodnax Carrell Cook Dellet Drisk Harris Lane Moffett Oliver of M. Peete Saunders of D. Saunders of L. Watkins and Wilkinson.

On motion of mr Augustus: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing the law which punishes the crime of forgery by death, and make the said crime punishable less severely.

Mr Herbert made the following report: the committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: an act to alter a road therein named, and an act for the relief of Priscilla Reynolds, which were severally signed by Mr Speaker.

Mr Rather introduced a bill to be entitled an act for the relief of Henry Stovall; which was read and ordered to a second reading.

Mr King of M. offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses of the General Assembly will convene in the Representative Hall on Thursday next, at the hour of three o'clock, for the purpose of electing five persons as a Board of Tennessee Canal Commissioners for the ensuing two years; and also a judge of the county court of Monroe county. Mr Hubbard moved that the resolution lie on the table; which was carried.

And then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, Dec. 24, 1831.—The House met pursuant to adjournment.

Mr Dellet made the following report: the judiciary committee to whom was referred a bill to be entitled an act to provide for the more speedy trial of slaves and free persons of color, have examined the same, and have instructed me to report the bill to the house, and recommend the following amendments, viz: in the first section, after the word "him," add "or in case there should be no judge of the county court, then any three justices of the peace." Same section, strike out the words, "for that purpose." Same section, strike out the words, "and be." Same section, "strike out the words, "oyer and terminer." After the word "Jail," in the second section, strike out the balance of the section, and insert the following: "and shall at the same time issue a notice to the judge of the county court of his county, and also to some justice of the peace, which notice shall be served by the sheriff or some constable of the county, informing them of such commitment, and state the place and time of trial, which shall not be less than ten nor more than fifteen days from the date of said notice; and the said justice who shall make the commitment as aforesaid, and the judge of the county court, or if there be no judge of the county court, two justices of the peace, summoned as aforesaid, shall form a court to try and determine said offence; and it shall be the duty of the magistrate to order the sheriff or coroner of his county, to summon twenty-four jurors to be and appear at the place and time appointed for the trial of said offence, one half of whom shall be slaveholders; and should the judge of the county court, or any justice summoned to attend said trial, fail to attend, any justice of the peace shall forthwith cause to be summoned, two justices of the peace, to be associated with him in forming said court, and may adjourn from day to day till the business before them is disposed of. Section 3. strike out the words, "on the venire facias." In the sixth section, after the word "clerk," insert "of the county court, and any justice of the peace." In which several amendments the House concurred; and the question being put, shall this bill be read a third time? it was determined in the affirmative. Yeas 56—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Acklen Augustus Baker Brodnax Campbell Cook Craig Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Hall of B. Harris Hayes Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lane Lockhart Loyd M'Affee M'Rea M'Vay Moffett Moore Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Terrell Toulmin Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Farrar Musgrove and Norwood.

Ordered, that Mr Tarrant have leave of absence from this House until Monday next.

Mr Dellet, from the judiciary committee to whom was referred the bill from the Senate entitled an act amendatory of the several acts concerning witnesses, reported the same without amendment, and recommended the passage of the bill. It was then ordered to a third reading.

The same committee to which was referred the bill to limit actions against securities of officers, reported that it is inexpedient to pass the bill. Mr Dellet moved the following amendment: after the word "against" insert these words, "the heirs, executors, or administrators, if any;" which was lost. Mr Hubbard moved the following amendment before the word "provided," "or if the claim be in favor of an infant or person non compos mentis, or other person disabled by law from bringing suit then within six years after such disability to sue shall cease to exist." Mr M'Kinley moved to amend the amendment, by striking out the word "six," to insert the word "three;" which was carried. The amendment as amended was then adopted. Mr Carroll offered the following proviso: "*Provided further*, that the provisions of this act shall not, for three years from the passage hereof, apply to cases of securities on bonds heretofore given. Mr Abernathy moved to amend the amendment, by striking out the word "three," to insert "one;" which was lost. The question was then put on the adoption of Mr Carroll's amendment, and lost. Yeas 22—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Baker Carroll Dellet Drish Farrar Fontaine Foster Hall of B. Harris Herbert Hickman Johnston Kilpatrick Lane M'Rea Moffett Musgrove Oliver of M. Paul Peete Rugely Saunders of D. Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, Messrs Acklen Augustus Brodnax Campbell Cook Craig Faulk Gilbreath Hall of A. Hays Hubbard Keener King of M. Lea Lockhart Loyd M'Kinley M'Vay Moore Nabors Norwood Oliver of C. Payne Philpott Rather Ross Saunders of L. Shearer Swink Snedcor Stephens and Ward.

The bill was then ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill to be entitled an act to authorize Willis Atkins and others to erect certain gates therein mentioned, in which they desire the concurrence of the House of Representatives.

The bill from the Senate entitled an act to authorize Willis Atkins and others to erect certain gates therein mentioned, was read a first time and ordered to a second reading.

On motion of Mr Saunders of L. *Resolved*, that with the consent of the Senate, the two Houses will convene in the Representative Hall this day, at the hour of 12 o'clock, for the purpose of going into the election of a solicitor for the fourth judicial circuit in this State. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Erwin, from the select committee to whom was referred the petitions of sundry citizens of Mobile in relation to the reduction of the limits of said city, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Dellet, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of proposing to the people of the State an alteration of the fifth section of the third article of the constitution of the State of Alabama, so that citizens of this State who have resided in the county sufficiently long to subject them to the payment of a poll tax, be deemed qualified voters for all civil officers in this State, reported that it would be inexpedient to alter the constitution as proposed in the resolution; in which report the House concurred.

Mr Hubbard, from the committee on roads, bridges and ferries to which was referred the bill entitled an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles: An act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; and an act to establish a road therein mentioned, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to incorporate the Washington light infantry in the county of Autauga, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate concur in the resolution of the House of representatives, proposing to go into the election of a solicitor of the fourth judicial circuit in this State on this day, and have amended the same by striking out the word “twelve” and inserting in lieu thereof the word “one;” in which they ask the concurrence of the House of Representatives. *Ordered*, that the House concur in the amendment made by the Senate to the resolution. *Ordered*, that the clerk acquaint the Senate therewith.

Bills of the following titles, to wit: An act to authorize William B. Norris to erect a mill on the Cahawba river; an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourteenth township and eighth range, west, and for other purposes; and an act to authorize the commissioners of roads and revenue of Baldwin county, to levy a tax for the purpose of building a jail in said county, were severally read a second time and ordered to be engrossed for a third reading.

The bill entitled an act to abolish an election precinct and to establish another in Monroe county, was, on motion of Mr Rather, ordered to lie on the table.

The bill entitled an act to authorize Moses and Aaron Packer to establish a ferry therein named, was read a second time. Mr Dellet offered the following amendment: *Provided*, that this act shall not interfere with any ferry privilege granted according to law by the proper authorities. Mr Dellet then moved that the bill with the amendments be referred to the committee on roads, bridges and ferries, to consider and report thereon; which was carried.

The bill entitled an act to compensate the commissioners of roads and revenue in the counties therein named, was read a second time. Mr Augustus moved that it be referred to a select committee. Mr Rather moved, with instructions to report a general bill on that subject, which was lost; it was referred to a select committee, consisting of messrs Augustus, Wilkinson and Rugely, to report thereon.

Mr Saunders of L. moved that the orders of the day be suspended; which was carried.

On motion of Mr Sanders of L: *Resolved*, that the Senate be now informed that the House of Representatives are now ready to receive them in the Representative Hall, for the purpose of going into the election of a solicitor of the fourth judicial circuit. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a solicitor of the fourth judicial circuit. Joshua L. Martin alone being in nomination. For Mr Martin, 83 votes.

Those who voted for Mr Martin are, messrs President Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M' Elderry Morton Perry Pickett Powell Smith Vining. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Hall of A. Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lane Lea Lockhart Loyd M'Afee M'Callam M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Ward Watkins Wilkinson.

Joshua L. Martin having received all the votes given, was declared by Mr Speaker to be duly elected solicitor of the fourth judicial circuit for the next ensuing four years; and then the Senate withdrew. And then the House adjourned until Monday morning at 10 o'clock.

Monday, Dec. 26, 1831.—Mr Paul presented the petition of sundry citizens of the town of Cahawba in relation to the public property in said town and the vicinity thereof; which was read and referred to a select committee, to consist of messrs Paul, Cook, Oliver of M., Brodnax and Swink.

Mr Ward presented the account of Joel T. M'Clendon, sheriff of Henry county; which was read and referred to the committee on accounts.

Mr Saunders of D. presented the accounts of sundry individuals of Dallas county; they were severally read and referred to the committee on accounts.

Mr M'Kinley, from the select committee to which was referred so much of the Governor's message as relates to the Bank of the United States, reported a memorial to the Congress of the United States on the subject of the United States Bank; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Farrar moved that it lie on the table; which was carried. Mr Snedcor moved that three hundred copies thereof be printed for the use of the General Assembly; which was carried.

Mr Carroll, from the select committee to whom was referred the petition of James Young and others, reported a bill to be entitled an act to establish a certain ferry therein named; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Hickman moved that it be committed to the same committee to consider and report thereon; which was carried.

Mr Johnston introduced a bill to regulate judicial proceedings, and for other purposes; which was read and ordered to a second reading.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge, was read a

third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to provide for digesting the laws of the State of Alabama, was read a third time. Mr Rather moved to amend the bill by way of engrossed ryder, by adding thereto two additional sections, Nos. three and four. Mr Dellet moved the following amendment to mr Rathers: "And they shall receive such compensation for their services as the next Legislature may think proper;" which was adopted. Mr Rather's amendment as amended, was read three several times and adopted. Mr Campbell, who voted in the majority on the adoption of mr Rather's amendment, moved to reconsider the vote; which was lost. Mr Craig moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act to provide for the more speedy trial of slaves and free persons of color, was read a third time. Mr Campbell moved to amend the bill by filling the first blank in the third section, with the word "ten;" which was lost. Mr Wilkinson moved to amend the bill by filling the blank with the word "four;" which was lost. Mr Wilkinson moved to amend the bill by filling the second blank with the word "four;" which was lost. Mr Hubbard moved to amend the bill by filling said blank with the word "two;" which was carried. Mr Wilkinson moved to amend the bill by filling the first blank in the fifth section, with the word "ten;" which was carried. Mr Hubbard moved to amend the bill by filling the second blank with the word "ten;" which was carried. Mr Wilkinson moved to amend it by filling the third blank in the fifth section with the word "ten;" which was carried. Mr Dellet moved to amend it by way of engrossed ryder, by adding thereto an additional section, No. eight; which was read three several times and adopted. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate entitled an act amendatory to the several acts concerning witnesses, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to limit actions against securities of officers, was read a third time. Mr Carroll moved to amend it by way of the following engrossed ryder: "*And provided further*, that nothing in this act shall be so construed as to have a retrospective operation;" which was read a first time, and the question being put, Shall the engrossed ryder be read a second time? it was determined in the affirmative. Yeas 32—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Baker Carroll Cook Craig Dellet Drish Fontaine Foster Gilbreath Harris Herbert Hickman Hubbard Keener Kilpatrick Lane Lea M'Rae Moffett Moore Musgrove Nabors Oliver of M. Paul Pecte Rugely Saunders of D. Terrell Walker and Wilkinson.

Those who voted in the negative are, messrs Acklen Augustus Brodnax Campbell Erwin Faulk Farrar Hall of A. Hall of B. Hayes Johnston King of M. Lockhart Loyd M'Afee M'Kinley M'Vay Norwood Oliver of C. Payne Rather Ross Shearer Snedikor Stephens Tarrant Toulmin and Ward.

Mr Hubbard moved to amend mr Carroll's amendment with the following: "Upon suits now pending;" which was adopted. Yeas 33—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Brodnax Campbell Craig Erwin Faulk Farrar Hall of A. Hayes Hollis Hubbard Johnston Keener Lockhart Loyd M'Afee M'Kinley M'Vay Nabors Norwood Oliver of C. Payne Philpott Rather Ross Rugely Shearer Snedikor Stephens Tarrant Terrell Toulmin and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Carroll Cook Dellet Drish Fontaine Foster Hall of B. Harris Herbert Hickman Kil-

patrick King of M. Lane Lea M'Rea Moffett Moore Musgrove Oliver of M. Paul Peete Saunders of D. Watkins and Wilkinson.

Mr Abernathy moved to amend mr Hubbard's amendment with the following: "On all suits that may be commenced on or before the first day of June next; which was lost. Mr Carroll's amendment as amended, was then read a second and third time and adopted. Mr Carroll moved that the bill lie on the table; which was lost. Yeas 22—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Carroll Cook Dellet Drish Fontaine Harris Herbert Hubbard Lane Lea M'Rea Moore Musgrove Oliver of C. Oliver of M. Paul Saunders of D. Terrell Watkins Wilkinson.

Those who voted in the negative are, messrs Acklen Augustus Baker Brodnax Campbell Craig Erwin Faulk Farrar Foster Hall of A. Hall of B. Hayes Hickman Hollis Johnston Keener Kilpatrick King of M. Lockhart Loyd M'Afee M'Kinley M'Vay Moffett Nabors Norwood Payne Peete Philpott Rather Ross Rugely Shearer Snedcor Stephens Tarrant Toulmin and Ward.

The bill was then put on its passage, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 43—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Augustus Brodnax Campbell Craig Erwin Faulk Farrar Foster Hall of A. Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. Lea Lockhart Loyd M'Afee M'Kinley M'Vay Moffett Nabors Norwood Oliver of C. Payne Peete Philpott Rather Ross Rugely Shearer Snedcor Stephens Tarrant Terrell Toulmin and Ward.

Those who voted in the negative are, messrs Speaker Baker Carroll Cook Dellet Drish Fontaine Herbert Lane M'Rea Moore Musgrove Oliver of M. Paul Saunders of D. Watkins and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, Dec. 27, 1831.—Mr Oliver of C. from the committee on ways and means to whom was referred a resolution directing them to inquire into the expediency of erecting a penitentiary in this State, reported that although they approve of the penitentiary system as affording a more certain and just mode of punishment, yet they are of opinion the financial situation of this State would not justify so expensive an undertaking at this time, and ask leave to be discharged from the further consideration of the subject. Mr Saunders of L. moved that the report lie on the table; which was carried.

Mr Rather, from the committee on privileges and elections to whom was referred the bill entitled an act to discontinue and establish certain election precincts therein specified, reported a substitute in lieu thereof; which was adopted. Mr Augustus moved to amend the second section of the bill by inserting after the word Buckhead, the words, "one at the storehouse of Thomas Warren, one at the house of George Lowry;" which was adopted. Mr Moffett moved to amend the first section by inserting after the word Mobile, the words, "at the house of William Warren, in Greene county;" which was adopted. Mr Campbell moved to amend it by adding thereto an additional section, number 3; which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Acklen presented the petition of the heirs and representatives of Rosanna Lampkin, decd. of Madison county, praying the passage of a law to emancipate certain slaves therein named; which was read and referred to the committee on emancipation to consider and report thereon.

Mr Oliver of C. from the committee on ways and means to whom was referred a resolution directing them to inquire into the expediency of changing the appointment of public weighers in the city of Mobile, asked leave to be

discharged from the further consideration of said resolution, as there is a bill now in progress in this House on that subject; which was granted.

The same committee to whom was referred a resolution instructing them to inquire what amendments are necessary in the revenue laws so as to effect a more certain collection of the taxes upon the several items of taxable property, reported that it is not expedient to change the law on this subject; which was concurred in.

Mr. Oliver of C. from the committee on the judiciary to whom was referred a resolution directing them to inquire into the expediency of repealing so much of the law as gives to the county courts concurrent jurisdiction with the circuit courts, reported a bill to be entitled an act to repeal so much of the law establishing the present county court system, as gives to the county courts concurrent jurisdiction with the circuit courts; which was read and ordered to a second reading.

Mr Harris from the committee on propositions and grievances to whom was referred a petition of several citizens of the county of Monroe, praying the passage of a law allowing Samuel Fisher and others in said county the right of making oath in courts of justice, reported a bill to be entitled an act for the relief of Samuel Fisher and others; which was read and ordered to a second reading.

Mr Rather, from the committee on privileges and elections to whom was referred a bill to be entitled an act to establish an election precinct therein named, reported that the provisions of the bill are now before the House in a bill on that subject, and requested to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred a bill to be entitled an act to establish an additional precinct therein named, reported that the provisions of the bill are now before the House in a bill on that subject, and requested to be discharged from the further consideration thereof; which was granted.

The same committee to whom was referred a bill to be entitled an act to discontinue and establish certain election precincts therein specified, reported that the provisions of the bill are now before the House in a bill on that subject, and requested to be discharged from the further consideration thereof; which was granted.

Mr Toulmin, from the select committee to whom was referred the petition of sundry inhabitants of the counties of Washington and Mobile, praying a change of county boundaries, reported a bill to be entitled an act to alter and establish the boundary lines between certain counties therein named; which was read a first time, and the constitutional rule requiring that bills should be read on three several days being dispensed with, the bill was forthwith read a second time, and the constitutional rule being further dispensed with, the bill was forthwith read the third time and passed by a constitutional majority. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Drish, from the select committee to whom was referred the petition of sundry citizens of Tuscaloosa county, living in the seventeenth township, range eleven, west, praying to be added to the county of Fayette, reported a bill to be entitled an act to add a part of the county of Tuscaloosa to Fayette county; which was read a first time, and the constitutional rule requiring that bills should be read on three several days being dispensed with, the bill was forthwith read a second time and ordered to be engrossed for the third reading.

Mr Hall of B. presented the petition of William P. Bryant and Randolph

Bryant, of Baldwin county, praying the passage of a law changing their own names: which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Carroll, from the select committee to whom was referred a bill to be entitled an act to establish a public ferry in Madison county, reported the same with sundry amendments, as sections three, four, and five; which were severally concurred in. **Mr Philpott** moved to amend the bill further by an additional section to the end thereof; which was carried. The bill was then ordered to be engrossed for the third reading.

Mr Augustus, from the select committee to whom was referred a bill to be entitled an act to compensate the commissioners of roads and revenue in certain counties therein named, reported the same with the following amendments: after the word "Butler" insert "Pike, Limestone, Montgomery and Clarke."

Mr Philpott moved to amend the amendment proposed by the committee by adding after the word "Montgomery" the word "Morgan;" which was carried. The amendments of the committee as amended were then concurred in. **Mr Dellet** moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 8—Nays 55.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Dellet Hall of B. Lane M'Kinley Oliver of C. Saunders of D. Swink and Watkins.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cook Craig Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Hall of A. Harris Hayes Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. Lea Lockhart Loyd M'Affee M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of M. Payne Peete Philpot Rather Riddle Ross Rugely Saunders of L. Shearer Snedcor Tarrant Terrell Toulmin Ward and Wilkinson.

Mr Cook then moved to amend the bill by striking out the word "Butler;" which was carried. **Mr Dellet** moved to amend the bill further by striking out the word "Monroe;" which was lost. Yeas 24—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Carroll Cook Craig Dellet Drish Fontaine Foster Hall of B. Harris Hickman Kilpatrick Lane Oliver of C. Oliver of M. Peete Rather Saunders of D. Swink Tarrant Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Boyd Brodnax Campbell Erwin Faulk Farrar Gilbreath Goodwin Hall of A. Hays Herbert Hubbard Johnston Keener King of M. Lea Lockhart Loyd M'Affee M'Kinley M'Rae M'Vay Moffett Moore Musgrove Nabors Norwood Payne Philpott Riddle Ross Rugely Saunders of L. Shearer Snedcor Terrell and Ward.

On motion of **Mr Dellet**, the bill was referred to a select committee consisting of messrs Wilkinson, Rugely and Lane to consider and report thereon.

A message was received from the Board of Trustees of the University of Alabama by **Mr Quin Morton**, which is as follows: **Mr Speaker**—I am instructed by the Board of Trustees to present to the House of Representatives the report of the agent of the Board in relation to the situation of the University lands; and, also a memorial of said Trustees to the General Assembly on the same subject. **Mr Hubbard** moved that said memorial, with the accompanying documents, be referred to the judiciary committee; which was carried. **Mr Lea** moved that the orders of the day be suspended for the present; which was agreed to.

Mr Lea introduced a bill to be entitled an act for the better regulation of the militia of the State of Alabama; which was read a first time, and the constitutional provision being dispensed with, it was read a second time forthwith. **Mr Musgrove** moved that the bill lie on the table, and that one hundred copies thereof be printed for the use of the General Assembly; which was carried.

Mr Hubbard moved that the orders of the day be suspended; which was lost.

The House then proceeded to the consideration of the orders of the day.

The bill entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, was read a second time. Mr Fontaine moved to amend the seventh section of the bill by striking out all between the word "opened" and the word "and," with the view to insert the following: "at such place or places, and by such commissioners as shall be provided for by law after the passage of this act; which was carried. Mr Fontaine moved further to amend said section to come in between the words "commissioners" and "at," with these words, "so to be appointed;" which was carried. Mr Craig moved to amend the eighth section by striking out the word "ten," to insert the word "fifteen;" which was carried. Mr M'Vay moved to strike out the ninth section; which was lost. Mr Fontaine moved to amend the sixteenth section by inserting the word "provided," after the word "person;" which was carried. Mr Fontaine moved to amend the twentieth section by inserting after the word "stock," and before the word "of," these words, "except the part retained by the State; which was carried. Mr Fontaine moved to strike out the words "persons and," before the word "property," in the thirty-sixth section; which was carried. Mr Fontaine moved further to amend the section by striking out all between the words "bound" and "for;" which was carried. Mr Fontaine moved to amend the section by striking out the following words: "in contemplation of the solvency of said corporation;" which was carried. Mr Craig moved to amend the section by striking out the word "twelve," between the words "within" and "months;" which was lost. Mr Fontaine moved to amend the section by striking out the words "hold such stock," and insert the words "be stockholders;" which was carried. Mr Fontaine moved to amend the bill by adding a proviso at the end of the thirty-sixth section; which was carried. Mr Fontaine moved to amend the thirty-seventh section by striking out the words "whenever said corporation;" which was carried. Mr Fontaine moved to amend the bill by adding thereto an additional section No. 39; which was carried. Mr Hubbard moved to amend the twenty-seventh section by striking out all after the word "felony," with a view to insert the words "and suffer death."

And then the House adjourned until to-morrow morning at 10 o'clock.

Wednesday, Dec. 28, 1831.—The House met pursuant to adjournment.

Mr Erwin presented the account of T. L. Toulmin, late sheriff of Mobile county, which was read and referred to the committee on accounts to consider and report thereon.

Mr Rugely presented the account of Albert G. Meriwether, of Lowndes county; which was read and referred to the committee on accounts.

Mr Boyd presented the petition of sundry citizens of the town of Centreville and the county of Bibb, praying that the town of Centreville may be incorporated; which was read and referred to a select committee consisting of messrs Boyd, Campbell and Lockhart.

Mr Hubbard presented the petition of sundry inhabitants of Lawrence county, purchasers of the lands donated by Congress to the State of Alabama for the purpose of internal improvement, asking relief; which was read. Mr Hubbard asked leave to withdraw said petition; which was granted.

Mr Johnston presented sundry petitions on the subject of the practice of

medicine on the Thompsonian system; they were severally read and laid on the table.

Mr Hubbard, from the judiciary committee to whom was referred the memorial of the Trustees of the University, praying the speedy passage of a law authorizing said Trustees to sell and dispose of the lands belonging to the University which have been forfeited for the non-payment of the purchase money, reported a bill to be entitled an act authorizing the Trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money; was read a first time, and the constitutional provision requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Peete moved to amend the bill by adding thereto an additional section, No. 3; which was adopted. Mr Hubbard moved to amend the bill by adding the following proviso at the end of the third section: "*Provided*, that nothing in this act shall extend to the purchase made by William S. Hayes, of the Trustees of the University;" which was adopted. Mr Dellet moved to amend the bill by adding thereto an additional section, No. 4; which is as follows: Sec. 4. *And be it further enacted*, that this act shall not extend to any case where the lands purchased of the Trustees, and respecting which, the question of forfeiture is yet to be determined by the supreme court until said decision shall be pronounced, or where the forfeiture has accrued from a failure to commence suit within the time prescribed by law. Mr M'Kinley moved that the bill, together with the proposed amendment, lie on the table, and that one hundred copies thereof be printed. A division of the question being called for, the vote was first taken to lay the bill on the table, and lost. Yeas 30—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Baker Boyd Erwin Faulk Farrar Goodwin Hall of A. Hall of B. Hays Hollis King of M. Leckhart M'Affee M'Callum M'Kinley M'Vay Moffett Moore Norwood Oliver of C. Payne Peete Rugely Saunders of L. Shackleford Shearer Swink Snedcor Stephens.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Brodnax Campbell Carrall Cook Craig Dellet Drish Fontaine Foster Harris Herbert Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Loyd M'Rea Musgrove Nabors Paul Rather Riddle Ross Saunders of D. Tarram Terrell Teulmum Ward Watkins and Wilkinson.

Mr Dellet moved that the further consideration of the bill, with the proposed amendment, be postponed until to-morrow, and made the special order of the day at the hour of eleven o'clock A. M.; which was carried.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have passed joint resolutions entitled: "Joint resolutions proposing to amend the Constitution of the State of Alabama so as to permit the Legislature thereof to lay off the several judicial circuits in such manner as will best promote the interests and convenience of the people of said State; also amending the sixth article and 14th section of the same. They have also passed a bill which originated in the House of Representatives, entitled an act to prevent the introduction of slaves into Alabama, and have amended the same as herewith shewn. In all of which they most respectfully ask the concurrence of the House of Representatives.

Joint resolutions from the Senate proposing to amend the Constitution of the State of Alabama so as to permit the Legislature thereof to lay off the several judicial circuits in such manner as will best promote the interest and convenience of the people of said State, was read a first time and ordered to a second reading.

The engrossed bill entitled an act to prevent the introduction of slaves

into Alabama, and for other purposes. The amendments made by the Senate to the bill being under consideration, Mr Hubbard moved that the bill, with the amendments, be referred to the judiciary committee; which was carried. Said amendments are as follows: 1st. Strike out the first five sections of the bill, and insert in lieu thereof five other sections nos. 1, 2, 3, 4, and 5. 2nd. Strike out the proviso at the end of the 6th section. 3d. Strike out the 7th, 8th, and 9th sections. 4th. Strike out the word "sixth," in the 2d line of the 10th section, and insert "fifth." 5th. Strike out the word "fourth," in the fourth line of said section, and insert "said." 6th. Strike out the words, "on conviction," in the latter part of the 4th, and first of the 5th line of the same section. 7th. Strike out the words "disposed of," in the fifth line of the same section, and insert the words "may be recovered." 8th. Amend the 11th section, by inserting after the word "law," in the third line, when the person guilty thereof is liable to be indicted. 9th. Strike out "five," and insert "ten." 10th. Amend the 12th section, by inserting after the word "or," in the fifth line, shall be liable, on conviction before any justice of the peace, to receive one hundred lashes, and any person may arrest any such free person of color, and take him or her before any justice of the peace for trial; and if any such free persons of color shall not depart this State within twenty days after the infliction of the punishment last mentioned, he or she shall be liable to be arrested by any person, and taken before a justice of the peace for trial; and on conviction by such justice, shall be ordered to be sold as a slave for the term of one year, for ready money, ten days' notice being given of the time of sale, one half of which, after paying all the expenses of the prosecution, (which shall be to the justice, one dollar; the constable, two dollars, for summoning the witnesses attending the trial and selling the said free person of color; and fifty cents a day for every day he may keep such free person of color; and fifty cents per day for each witness who may attend the trial,) shall be paid to the informer, and the other half to the State; and if any free person of colour shall not depart this State within twenty days after the expiration of said year, he or she." 11th. Strike out the words "or their," and insert *or* between "his her" in the fifth line of the said section. 12th. Strike out 33 in the 3d line of the 14th section, and insert "100." 13th. Strike out the words, "suffer death," in the last line of the said section, and insert, "forfeit his or her liberty, and be sold as a slave for the term of ten years, by order of two justices of the peace before whom he or she may be taken and convicted, ten days' previous notice being given of the time and place of sale, one half of the proceeds of the said sale, after paying one dollar each to said justices, and two dollars to the constable for attending the trial and selling said free person of color, together with all other costs that may accrue, shall be paid to the use of the informer, and the other half to the use of the State." 14th. Strike out 39, in the 4th line of the 15th section, and insert 50 for the first offence, and 100 for every offence thereafter, by order of any justice of the peace before whom he or she may be convicted; and on every conviction, the owner of said slave shall pay one dollar to the justice of the peace, and two dollars to the constable for attending the trial and whipping the slave, together with all costs that may lawfully accrue; and any person may arrest any slave so offending, and take him or her before any justice of the peace for trial." 15th. Strike out all after the word "lashes," in the third line. 16th. Strike out the word "discontents," in the 4th line of the 16th section, and insert "conspiracy;" and after the word "insurrection," in the same line, insert "or rebellion." 17th. Insert before the word "slaves," in the second line of the 20th section, the word "male." 18th.

Strike out the 23d section. 19th. Strike out the proviso at the end of the 25th section. 20th. At the end of the bill add the following section: *And be it further enacted*, that if any slave or free person of color shall hereafter preach to, exhort, or harangue any slave or slaves, or free persons of color, any such slave or free person of color so offending, shall, on conviction before any justice of the peace, receive, by order of said justice of the peace, thirty-nine lashes for the first offence, and fifty dollars [lashes] for every offence thereafter; and any person may arrest any such slave or free person of color, and take him before a justice of the peace for trial.

On motion of Mr Baker, the further consideration of the bill entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, was postponed until to-morrow, and made the special order of the day at the hour of 12 o'clock.

On motion of Mr Hubbard, the House again resolved itself into a committee of the whole House on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States on the subject of the tariff, Mr Oliver of C. in the chair; and after some time spent therein, the committee rose, and Mr Chairman reported progress, and leave was asked to sit again at the hour of 3 o'clock this evening; which was granted. And then the House adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion of Mr Campbell, the House again resolved itself into a committee of the whole House on the several memorials of the General Assembly of the State of Alabama to the Congress of the United States on the subject of the tariff, and after some time spent therein, Mr Baker moved that the committee of the whole House be discharged from the further consideration of the subject; which was carried. And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday, Dec. 29, 1831.—A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed bills of the following titles, to wit: an act prescribing the mode of trying contested elections for sheriffs and other county officers; an act to regulate attorneys' fees on all debts in favor of the president and directors of the Bank of the State of Alabama collected by law; an act to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury; an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties of this State and for other purposes; in all of which the concurrence of the House of Representatives is respectfully desired.

Bills from the Senate of the following titles, to wit: An act prescribing the mode of trying contested elections for sheriffs and other county officers; an act to regulate attorneys' fees on all debts in favor of the president and directors of the Bank of the State of Alabama collected by law; and an act to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury, were severally read a first time and ordered to a second reading.

The bill from the Senate entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties of this State and for other purposes, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee to report thereon.

Mr Lea presented the account of Samuel H. Nelms, jailor of Perry county; which was read and referred to the committee on accounts to consider and report thereon.

Mr Fontaine presented the account of Thomas Goodman; which was read and referred to the committee on accounts.

Mr Hubbard, from the committee on roads, bridges and ferries to which was referred the bill entitled an act to authorize Moses and Aaron Packer to establish a ferry therein named, reported sundry amendments; which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr Herbert, from the committee on emancipation to whom was referred a resolution instructing the committee to inquire into the expediency of passing a law requiring all those who may hereafter emancipate slaves in this State, to provide the necessary means for their transportation to Liberia, deem it inexpedient to adopt any decisive measures or pass any law to that effect at present, and ask leave to be discharged from the further consideration of the subject; which was granted.

The same committee to whom was referred sundry petitions of citizens of different counties in this State, praying the liberation of slaves, reported a bill to be entitled an act to emancipate certain slaves therein mentioned; which was read and ordered to a second reading.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill to be entitled an act to incorporate the Tusculumbia, Courtland and Decatur railroad company; in which the concurrence of the House of Representatives is desired.

A message was received from the Governor by James I. Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body, that he did, on the 28th inst. approve and sign the following bills: An act to incorporate the Cahawba guards and for other purposes; and an act to authorize Robert Hobdy, colonel commandant of the forty-second regiment of the Alabama militia, to form a company beat with a less number than forty privates, in the county of Pike. All of which originated in the House of Representatives.

Mr Dellet, from the judiciary committee to whom was referred a bill to be entitled an act to class and fix the price of University lands forfeited for non-payment of the purchase money and for other purposes, reported the same without amendment. Mr M'Rea moved to amend the third section in the seventh line, by striking out the word "part," to insert in lieu thereof, the words "legal subdivision;" which was adopted.

Mr Peete moved to amend the fourth section, to come in after the word "valuers," with the following proviso: "*Provided*, said valuation should be approved by the board of trustees;" which was carried. Mr Dellet moved to amend the preamble, to come in after the word "forfeited," with the following: "and whereas the question as to forfeiture decided by judge Lipscomb at the last term of the Franklin circuit court, is now pending on writ of error, and undecided in the supreme court;" which was carried. Mr Herbert moved to amend the third section by striking out all after the word "certificate," at the end of the second proviso.

The hour of 12 o'clock having arrived, Mr Baker moved that the orders of the day be suspended; which was carried.

Mr Acklen then moved that the further consideration of the bill in relation to University lands be postponed, and made the special order of the day for Monday next; which was lost. Yeas 26—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Augustus Boyd Brodnax Carroll Cook Dellet Drish Fontaine Foster Gilbreath Hall of B. Herbert Kilpatrick King of M. King of P. Lane M'Collum Oliver of M. Paul Peete Shackelford Tarrant Terrell and Wilkinson.

Those who voted in the negative are, messrs Abernathy Baker Campbell Craig Erwin Faulk Farrar Goodwin Goynes Hall of A. Harris Hays Hickman Hollis Hubbard Johnston Keener Lea Lockhart Loyd M'Allee M'Kinley M'Rea M'Way Moffett Moore Musgrove Nabors Oliver of C. Payne Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Toulmin Ward and Watkins.

Mr Wilkinson moved that the House adjourn till ten o'clock, A. M. to-morrow; which was lost. Yeas 33—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Drish Fontaine Foster Gilbreath Goodwin Hall of A. Herbert Hickman Keener Kilpatrick King of M. King of P. Lea M'Collum Musgrove Oliver of C. Paul Rugely Saunders of D. Shackelford Snedcor Stephens Tarrant Terrell and Wilkinson.

Those who voted in the negative are, messrs Abernathy Cook Craig Dellet Erwin Faulk Farrar Goynes Hall of B. Harris Hays Hollis Hubbard Johnston Lane Lockhart Loyd M'Allee M'Kinley M'Rae M'Way Moffett Moore Nabors Oliver of M. Payne Peete Rather Riddle Ross Saunders of L. Shearer Swink Toulmin Ward and Watkins.

Mr M'Rea moved to amend the bill further by adding to the end of the third section thereof, the following proviso: "*Provided further*, that nothing in this act shall be so constructed as to make the Trustees of the University refund any money for said lands." Mr Hubbard moved to amend Mr M'Rae's proviso by adding thereto the following: "*And provided also*, that no person shall be permitted to have any credit entered and allowed him for such payment, exceeding one fourth part of the original purchase money, unless the person seeking such credit shall enter the entire amount of his original purchase; which was adopted. Mr M'Rea's amendment as amended, was then adopted. The question then recurred upon Mr Herbert's motion to strike out all of the third section after the word "certificate," at the end of the second proviso, and lost. Yeas 25—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Boyd Brodnax Carroll Drish Fontaine Foster Gilbreath Hall of A. Herbert Hickman King of M. King of P. Lane Lockhart M'Collum Moore Nabors Paul Peete Shackelford Tarrant Terrell and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Campbell Craig Dellet Erwin Faulk Farrar Goodwin Goynes Hall of B. Harris Hays Hollis Hubbard Johnston Keener Kilpatrick Lea Loyd M'Kinley M'Rae M'Way Moffett Musgrove Oliver of C. Oliver of M. Payne Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Toulmin Ward and Watkins.

Mr Campbell moved to amend the bill by striking out the words "Judge Lipscomb," to insert in lieu thereof the words "it was;" which was carried. Mr Dellet moved to reconsider the vote on the adoption of his amendment to the preamble of the bill; which was carried. Mr Campbell then moved to amend Mr Dellet's amendment to the preamble by striking out the words, "by Judge Lipscomb;" which was carried. Mr Dellet's amendment as amended, was then adopted. Mr Carroll moved to amend the bill by striking out the preamble; which was lost. Mr M'Kinley moved a call of the previous question: And the question being put, Shall the call be sustained? it was determined in the affirmative: And the question being put, Shall the main question be now put? it was determined in the affirmative: And the main question being put, Shall the bill be engrossed for a third reading? it was determined in the affirmative. Yeas 41—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Campbell Craig Erwin Farrar Faulk Goodwin Goynes Hall of B. Harris Hays Hollis Hubbard Johnston Keener Kilpatrick Lane Lea Loyd

M'Kinley M'Rea M'Vay Moffett Moore Musgrove Oliver of C. Oliver of M. Payne Rather Riddle Ross Rugely Saunders of L. Shearer Swink Stephens Toulmin Ward and Watkins.

Those who voted in the negative are, messrs Speaker Acklen Boyd Brodnax Carroll Dellet Drish Fontaine Foster Gilbreath Hall of A. Herbert Hickman King of M. King of P. Lockhart M'Collum Nabors Paul Peete Saunders of D. Shackleford Tarrant Terrell and Wilkinson.

Mr M'Kinley moved that the House adjourn until to-morrow morning at 10 o'clock; which was lost. Yeas 19—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are, messrs Campbell Gilbreath Goyne Hall of B. Keener Kink of P. Lane Lea M'Kinley M'Rea Oliver of C. Oliver of M. Peete Riddle Rugely Saunders of L. Shackleford Stephens and Watkins.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Carroll Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Hall of A. Harris Hays Herbert Hickman Hollis Hubbard Johnston Kilpatrick King of M. Lockhart Loyd M'Collum M'Vay Moffett Moore Musgrove Nabors Paul Payne Rather Ross Saunders of D. Shearer Swink Tarrant Terrell Toulmin Ward and Wilkinson.

Mr Saunders of L. moved a call of the House, when the following members answered to their names, viz: Mr Speaker, Abernathy, Acklen, Brodnax, Campbell, Carroll, Dellet, Drish, Erwin, Faulk, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of A. Hall of B. Harris, Hays, Herbert, Hickman, Hollis, Hubbard, Johnston, Kilpatrick, King of M. King of P. Lane, Lea, Lockhart, Loyd, M'Collum, M'Rea, M'Vay, Moore Musgrove, Nabors, Oliver of C, Paul, Peete, Rather, Ross, Saunders of D. Saunders of L. Shackleford, Shearer, Swink, Stephens, Tarrant, Terrell, Toulmin, Ward, Watkins and Wilkinson.

The House then adjourned until to-morrow at 10 o'clock, A. M.

Friday, Dec. 30, 1831.—The House met pursuant to adjournment.]

The bill from the Senate entitled an act to incorporate the Tuscumbia, Courtland and Decatur rail-road company, was read a first time. Mr Hubbard moved that the constitutional rule requiring bills to be read on three several days be dispensed with, and that it be read a second time forthwith; which was lost, there not being a constitutional majority voting for the suspension. Yeas 38—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Boyd Brodnax Campbell Cook Fontaine Foster Gilbreath Goodwin Goyne Harris Hickman Hollis Hubbard Keener Kilpatrick King of P. Lea Lockhart Loyd M'Affee M'Rea Moore Musgrove Oliver of M. Paul Payne Philpott Rather Ross Rugely Saunders of D. Shackleford Swink Terrell and Walker.

Those who voted in the negative are, messrs Speaker Acklen Augustus Craig Dellet Drish Erwin Faulk Farrar Hall of A. Hall of B. Johnston King of M. Lane M'Kinley M'Vay Moffett Oliver of C. Peete Riddle Saunders of L. Shearer Tarrant Toulmin Ward Watkins and Wilkinson.

The bill was ordered to a second reading. Mr Cook, who voted in the majority on ordering said bill to a second reading, moved to reconsider the vote; which was carried. The bill was then made the special order of the day for to-morrow at 12 o'clock for a second reading.

Mr Baker presented the memorial of James T. Garrett, of Bibb county, praying that David S. Lipscomb, clerk of the circuit court of said county, may be impeached for mal-conduct in office; which was read and referred to the judiciary committee to consider and report thereon.

Mr Hollis presented the petition of sundry inhabitants of Marion county, in relation to a turnpike road owned by William H. Ragsdale, of said county; which was read and referred to the committee on roads, bridges and ferries.

Mr Tarrant presented the account of John Lawler, of Shelby county; which was read and referred to the committee on propositions and grievances.

Mr Baker presented the petition of the Montgomery Huzzars, of the town and county of Montgomery, praying an act of incorporation; which was read and referred to a select committee consisting of messrs Baker, Oliver of M. and Rugely.

Mr Erwin presented the petition of sundry citizens of the city of Mobile, praying the passage of a law requiring the city to be equally divided in wards agreeable to taxation and population; which was read. *Ordered*, that said petition do lie on the table.

Mr Erwin presented the petition of sundry citizens of the city of Mobile, praying that the right of private ways may be extended to proprietors of lands within the corporate limits of said city; which was read. *Ordered*, that said petition do lie on the table.

Mr M'Kinley, from the committee on education to which was referred the petition of William S. Hays, praying the passage of a law to authorize the trustees of the University to deduct from the price of fractional section no. 25, in township 7, of range 5, heretofore purchased by him, the value of the ferry on said fraction, reported a bill for the relief of William S. Hays; which was read and ordered to a second reading.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to inquire into the constitutionality of establishing a Bank and rechartering a Bank at the same session of the Legislature, reported that it is believed by the committee, that under the Constitution, the Legislature cannot, at the same session, establish a bank and recharter a bank. Either can be done, but not both. *Ordered*, that said report do lie on the table.

The same committee to whom was referred a resolution directing them to inquire into the expediency of passing a law securing to the solicitors, officers of court and witnesses, their fees in all prosecutions where the defendant proves to be insolvent, from fines collected in State cases, reported that it is not expedient to pass the law proposed in the resolution; in which report the House concurred.

Mr Peete, from the committee on education to whom was referred a bill entitled an act to secure the University fund, reported the following amendment after the word "and," in the 23d line, insert "designated as money belonging to the University fund;" which was adopted.

Mr Hubbard moved to amend the bill by adding thereto an additional section no. 2; which was carried. Yeas 50—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Boyd Campbell Carrell Cook Dellet Drish Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lockhart Loyd Moffett Moore Musgrove Oliver of C. Oliver of M. Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Swink Snedcor Terrell Toulmin Walker Ward and Wilkinson.

Those who voted in the negative are, messrs Augustus Brodnax Craig Erwin Faulk Hall of A. Hays M'Collum M'Kinley M'Rea M'Vay Paul Payne Peete and Watkins.

The bill was then ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit: An act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; an act to authorize William B. Norris to erect a mill on the Cahawba river; an act amendatory of an act entitled an act to amend an

act to incorporate the school commissioners of the 4th township and eighth range, west of Huntsville, and for other purposes; and an act to authorize the commissioners of revenue and roads of Baldwin county, to levy a tax for the purpose of building a jail in said county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to add a part of the county of Tuscaloosa to Fayette county, was read a third time, and the question being put, shall this bill pass? it was determined in the affirmative by a constitutional majority. Yeas 68—Nays none.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Baker Boyd Brodnax Carroll Cook Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goynes Hall of A. Hall of B. Harris Hays Herbert Hickman Hollis Johnston Kilpatrick King of M. King of P. Lane Lockhart Loyd M'Collum M'Kinley M'Rae M'Vay Moffett Moore Musgrove Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Tarrant Terrell Walker Ward Watkins and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for its concurrence.

Ordered, that mr Lea have leave of absence from this House until Monday next.

Ordered, that mr Snedcor have leave of absence for the day.

Ordered, that mr Nabors have leave of absence until Tuesday next.

The engrossed bill entitled an act to establish a certain ferry therein named, was read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 26—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Carroll Cook Faulk Fontaine Foster Harris Hickman Hollis Hubbard Johnston King of M. King of P. Lane Loyd M'Acce Oliver of M. Paul Peete Rather Saunders of D. Saunders of L. Shackelford and Watkins.

Those who voted in the negative are, messrs Boyd Brodnax Campbell Dellet Drish Farrar Goodwin Hall of A. Hall of B. Kilpatrick Lockhart M'Collum M'Rae M'Vay Moffett Moore Musgrove Oliver of C. Payne Philpot Riddle Ross Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward and Wilkinson.

And then the House adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—The engrossed bill entitled an act to authorize Moses and Aaron Packer to establish a ferry across the Chattahoochie river, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Brodnax, who voted in the majority on rejecting the engrossed bill entitled an act to establish a certain ferry therein named, moved to reconsider the vote, when mr Philpot moved a call of the House: which was lost. The question recurred on mr Brodnax's motion, and carried. Yeas 45—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Bord Brodnax Campbell Carroll Cook Craig Erwin Faulk Farrar Foster Gilbreath Goodwin Harris Hayes Herbert Hollis Johnston Keener King of M. King of P. Lane Loyd M'Collum Moore Oliver of M. Paul Peete Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Stephens Tarrant Toulmin Walker Ward and Watkins.

Those who voted in the negative are, messrs Dellet Fontaine Hall of A. Hall of B. Hubbard Kilpatrick Lockhart M'Kinley M'Rea M'Vay Moffett Musgrove Oliver of C. Payne Philpot Swink Terrell and Wilkinson.

Mr Carroll moved that the bill lie on the table; which was carried.

A message from the Senate by mr Morton: Mr Speaker—The Senate have read three several times and passed a bill which originated in the Senate, entitled an act to authorize Benjamin Dunn and his associates to erect a toll

bridge across Mulberry creek: in which I am directed to request the concurrence of the House of Representatives.

The bill from the Senate, entitled an act to authorize Benjamin Dunn and his associates to erect a toll bridge across Mulberry creek, was read and ordered to a second reading.

The bills entitled, an act to authorize the commanding officers of the 49th regiment in the 11th brigade of the Alabama militia to form two company beats with a less number than forty privates, in the county of Pike, and an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said decedent, were severally read the second time and ordered to be engrossed for a third reading.

The bill from the Senate, entitled an act to authorize Thomas M'Donnal to collect toll on a bridge across the Conecuh river, was read a second time. Mr Oliver of C. moved to amend the bill by striking out the word *M'Donnal*, in the first section, and inserting in lieu thereof the word *M'Daniel*; which was carried. Mr Oliver of C. moved to amend the bill further by striking out the word *that*, after the word *provided*, in the first section, and inserting in lieu thereof the word *the*; which was carried. Mr Oliver of C. moved to amend the bill further by adding the letter *s* to the word *law*, in the last line; which was carried. The bill was then ordered to a third reading.

The bill from the Senate, entitled an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale, was read a second time and referred to the committee on the military to consider and report thereon.

The bill from the Senate, entitled an act for the relief of William J. Price, of Jackson county, was read a second time and ordered to a third reading.

The bill from the Senate, entitled an act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified, was read the second time. Mr Moffett moved to amend the bill by inserting after the word *absolutely*, in the first section, the following: "to the highest bidder at public auction in the town of Greensborough, after having given sixty days notice of the time and place of sale by advertisement, to be set up at two or more public places in the town of Greensborough;" which was carried. The bill was then ordered to be engrossed for a third reading.

The bill from the Senate, entitled an act to authorize Jesse During and Philip Brothers to turnpike a road therein mentioned, was read a second time. Mr Farrar moved to amend the bill by adding to the end of the fourth section thereof, the following proviso: "Provided, that nothing contained in this act shall be so construed as to compel the citizens of St Clair county to pay toll at any of the gates within the limits of said county;" which was carried. The bill was then ordered to the third reading.

The bill from the Senate entitled an act for the relief of Wm. T. Rounsaville, was read a second time, and, on motion of Mr Toulmin, was referred to the committee on roads, bridges and ferries to consider and report thereon.

The bill from the Senate, entitled an act for granting and releasing to Mary Sebrie certain real estate escheated to the State of Alabama, was read a second time. Mr M'Kinley moved to amend the bill by striking out the word *Sebrie* wherever it occurs, and inserting in lieu thereof the word *Sebier*; which was carried. The bill was then ordered to the third reading.

The bill from the Senate, entitled an act to provide for the drawing of an additional number of jurors and for compensating tales jurors in the county of Perry, was read a second time. Mr Moffett moved to amend the bill by in-

serting after the word *jurors* in the first section, the following words, viz:—“and of the clerk of the circuit court of Greene county to draw for the first week of said court nine, and for the second week six jurors;” which was carried. Mr Moffett moved to amend the bill further by striking out the word *county* in the second section, and inserting in lieu thereof the word *counties*; which was carried. The bill was then ordered to the third reading.

The bill entitled an act to change the time of holding courts in the first judicial circuit, was read a second time and referred to the committee on the judiciary to consider and report thereon.

On motion, the further consideration of the orders of the day were postponed for the present.

On motion of Mr Augustus: *Resolved*, that the committee heretofore raised to investigate the official conduct of the judge of the county court of Covington county, be permitted to hold its sessions at any time, without regard to the sessions of this House.

Mr Rugely obtained leave to introduce a bill to be entitled an act to authorize the commissioners courts to grant private ways in certain cases; which was read and ordered to a second reading.

Mr Hubbard moved the following as an amendment to the rules of the House: When a question shall be submitted for the consideration of the House, any member may move for a call of the House, and if the motion shall be sustained by twenty members, the subject then before the House shall be postponed for half an hour, and then the same shall be taken up unless a majority of the House shall refuse, provided that a second call upon the same bill or resolution shall not be made or allowed upon any one reading of said bill or resolution; which lies over of course one day for consideration.

And then the House adjourned till 10 o'clock, A.M. to-morrow.

Saturday, Dec. 31, 1831.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed bills of the following titles, to wit: An act to legitimate Thomas Maxwell, jr. son of Thomas Maxwell, sen'r; an act to designate the boundaries of Jackson and Franklin counties; an act giving further time to persons holding claims against their respective counties to file the same; an act to repeal in part and amend an act entitled an act to prevent extortion by public officers, and for other purposes, approved Jan. 29th, 1829; an act to incorporate the Mobile manufacturing company. They have also adopted the following resolution: *Resolved*, that, with the concurrence of the House of Representatives, the two Houses will adjourn on the 14th of January next *sine die*: in all of which they ask the concurrence of your honorable body.

Mr Hubbard moved that the resolution lie on the table: which was carried. Yeas 41—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Boyd Brodnax Campbell Craig Drish Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Hays Herbert Hubbard Johnston Kilpatrick King of M. Loyd M'Kinley M'Rea M'Vay Moore Norwood Oliver of C. Oliver of M. Payne Peete Philpot Rather Riddle Rugely Saunders of D. Saunders of L. Swink Tarrant Terrell Ward and Wilkinson.

Those who voted in the negative are, messrs Acklen Baker Erwin Faulk Farrar King of P. Lane Lockhart M'Affee Moffett Shackelford Shearer Toulmin Walker.

Mr Augustus presented the account of Hobdy and Williams; which was read and referred to a select committee consisting of messrs Augustus, Ward and Moore.

Mr Watkins presented the petition of sundry citizens of Covington county, praying that a regiment be formed of the militia of Covington county; which

was read and referred to the military committee to consider and report thereon.

Ordered, that messrs Dellet and Hollis have leave of absence from this House for the day.

Mr Riddle presented the petition of sundry citizens of Greene county, praying that an election precinct be established in said county; which was read. *Ordered*, that said petition do lie on the table.

Mr Rather, from the committee on privileges and elections to which was referred a resolution instructing them to inquire into the expediency of altering the law so as to authorize the opening the polls at 9 o'clock, A. M. and closing the same at four o'clock P. M. in lieu of the hours now fixed by law, reported a bill to be entitled an act to regulate the time of opening and closing the polls of the general elections; which was read and ordered to a second reading.

Bills from the Senate of the following titles, to wit: An act to repeal in part and amend an act entitled an act to prevent extortion by public officers, and for other purposes, approved January 29, 1829; an act giving further time to persons holding claims against their respective counties, to file the same; an act to designate the boundaries of Jackson and Franklin counties; an act to legitimate Thomas Maxwell, jr. son of Thomas Maxwell, sen.; and an act to incorporate the Mobile manufacturing company; were severally read and ordered to a second reading.

Mr Peete, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of repealing the law which punishes the crime of forgery with death, and make the said crime punishable less severely, reported that it is inexpedient at this time to legislate on the subject; in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of so amending the twelfth section of the fifth article of the constitution, that the judges of the county courts shall hereafter be elected by the qualified electors in their respective counties, reported that they deem the proposed alteration inexpedient. Mr Faulk moved that the report lie on the table; which was carried.

Mr Acklen, from the committee on lands appropriated for internal improvement to whom was referred so much of the Governor's message as relates to the commissioners appointed to class and value the 400,000 acres of land given to the State of Alabama by the General Government for the purposes of internal improvement, reported a bill to be entitled an act to compensate the commissioners appointed to examine, value and select the 400,000 acres of land for extra services; which was read and ordered to a second reading.

Mr Lane, from the committee on accounts to whom was referred the account of sundry citizens of Dallas county, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same. Mr Herbert moved that the report lie on the table; which was carried.

The same committee to whom was referred the account of Anderson Bean, former sheriff of Franklin county, reported the same as not chargeable on the State, and ask leave to be discharged from the further consideration of the same, which was granted.

Mr Wilkinson, from the select committee to whom was referred a bill entitled an act to compensate the commissioners of roads and revenues in certain cases therein named, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Wilkinson, from the select committee to whom was referred a resolution to examine a map of this State now under preparation by John La Tourette, and to provide for a subscription of said map, reported a joint resolution to provide by subscription for a map of the State of Alabama; which was read and ordered to a second reading.

Mr Boyd, from the select committee to whom was referred the petition of sundry citizens of the town of Centreville, in the county of Bibb, reported a bill to be entitled an act to incorporate the town of Centreville, in the county of Bibb; which was read and ordered to a second reading.

Mr Saunders of L. introduced a bill to be entitled an act to establish a penitentiary in the State of Alabama; which was read. Mr Cook moved that the further consideration of the bill be indefinitely postponed; which was carried. Yeas 38—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Boyd Bradburn Cook Faulk Farrar Fontaine Gilbreath Goodwin Gayne Hall of A. Harris Hays Herbert Hubbard Kilpatrick King of P. Loyd M'Attee M'Callum M'Felt M'Gore M'usgrove Oliver of C. Oliver of M. Paul Payne Ross Rugely Saunders of B. Shackelford Tarrant Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Acklen Campbell Carroll Craig Drish Erwin Foster Hall of A. Johnston King of M. Lane Lockhart M'Kinley M'Rae M'Vay Norwood Peete Philpat Rather Riddle Saunders of L. Shearer Swink Terrell and Toulmin.

Mr Baker introduced a bill to be entitled an act to authorize the judge of the county court of Montgomery county, to grant permission to Robert J. Ware et al. to make titles to certain lands therein named; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Faulk introduced a joint resolution proposing amendments to the constitution of the State of Alabama; which was read and ordered to a second reading.

Mr Campbell introduced a bill to be entitled an act to authorize appeals and writs of error in certain cases; which was read and ordered to a second reading.

Mr Herbert introduced a bill to be entitled an act for the relief of James A. Thompson, late tax collector of Dallas county; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Herbert moved to amend the bill by inserting these words, "with interest from the payment of the same into the treasury; which was adopted. The bill was then ordered to be engrossed for a third reading.

The hour having arrived appointed for the consideration of the orders of the day, the House proceeded to the consideration thereof.

The bill from the Senate, entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read a second time. Mr M'Kinley moved that the bill lie on the table.

Mr M'Kinley moved that the House adjourn till 10 o'clock, A.M. on Monday next; which was lost. Yeas 23—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Augustus Boyd Craig Gilbreath Goodwin Hall of A. Hays Herbert Johnston Kilpatrick King of M. King of P. Lane M'Callum M'Kinley M'Vay Moffett Oliver of C. Payne Riddle and Saunders of L.

Those who voted in the negative are, messrs Abernathy Baker Brodnax Campbell Carroll Cook Drish Erwin Faulk Farrar Fontaine Foster Goyne Hall of B. Harris Hickman Hubbard Kecner Loyd M'Afee M'Rea Moore Musgrove Norwood Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Shearer Swink Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr M'Kinley then moved that the House adjourn till half past 3 o'clock this evening; which was lost. Yeas 17—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Augustus Craig Erwin Faulk Johnston King of P. M'Kinley M'Vay Moffett Oliver of C. Oliver of M. Payne Riddle Saunders of L. Walker and Watkins.

Those who voted in the negative are, messrs Abernathy Acklen Baker Boyd Brodnax Campbell Carroll Cook Drish Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Hays Herbert Hickman Hubbard Keener Kilpatrick King of M. Lane Loyd M'Afee M'Collum M'Rea Moore Musgrove Norwood Paul Peete Philpot Rather Ross Rugely Saunders of D. Shearer Swink Tarrant Terrell Toulmin Ward and Wilkinson.

The question then recurred on mr M'Kinley's motion to lay the bill on the table; which was lost. Yeas 16—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Craig Farrar Hall of A. Lane M'Afee M'Collum M'Kinley M'Vay Oliver of C. Saunders of L. Tarrant Terrell Walker and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Boyd Brodnax Campbell Carroll Cook Drish Erwin Faulk Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Lockhart Loyd M'Rea Moffett Moore Musgrove Norwood Oliver of M. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Shearer Swink Toulmin Ward and Watkins.

Mr Saunders of L. moved that the bill be referred to a select committee to consider and report thereon by Tuesday next; which was lost. Mr M'Kinley moved to amend the bill with the following: between the words *Tuscumbia and Courtland* insert the words *South Florence*.

A message was then received from the Senate by mr Morton: Mr Speaker—The Senate have passed a bill to be entitled an act to reduce the size of the several divisions and brigades of the militia of this State: in which the concurrence of the House of Representatives is respectfully desired.

Mr Harris moved that the House adjourn till 3 o'clock this evening; which was carried.

Evening Session, Dec. 31, 1831.—The House met pursuant to adjournment.

A message was received from the Governor by mr Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did, on the 29th inst. approve and sign the following bills: An act to alter a road therein named; an act for the relief of Priscilla Reynolds; and, on this day, (Dec. 31,) Joint resolutions in relation to white settlers on Indian territory, and State jurisdiction: all of which originated in the House of Representatives.

A message was received from the Senate by mr Morton: Mr Speaker—I am instructed by the Senate to inform your honorable body that on yesterday the Senate, on account of the sickness of the family of their Secretary, have granted him leave of absence till Tuesday next, and that they have appointed George N. Stewart as their Secretary pro tem. till his return, who was qualified, and has entered on the discharge of said duty. I am also instructed to acquaint the House that the Senate has passed a bill to be entitled an act to incorporate the South Florence Railroad Company: in which the concurrence of the House of Representatives is desired.

The House then resumed the consideration of the bill to be entitled an act to incorporate the Tuscumbia, Courtland and Decatur rail-road company; and the question being put on the adoption of the amendment to the first section of the bill proposed by mr M'Kinley in the morning, it was determined in the negative. Yeas 9 Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Craig Hall of a. Johnston Lane M'Afee M'Collum M'Kinley M'Vay and Saunders of L.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Boyd Brodnax Campbell Carroll Drish Fontaine Gilbreath Goodwin Goynes Herbert Hickman Hubbard Kilpatrick King of P. Lockhart Loyd M'Rea Moffett Moore Musgrove Norwood Oliver of C. Payne Peete Philpot Rather Riddle Rugely Saunders of D. Shackleford Shearer Swink Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr M'Kinley moved to amend the second section of the bill by striking out all after the word "until," in the second line, to the word "in," in the fourth line, and insert in lieu thereof, the following: "Their successors are duly qualified, and it shall be the duty of said President and Directors, when the sum of — thousand dollars shall be subscribed to said railroad, to call a meeting of the subscribers, to be held;" which was lost. Yeas 17—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Craig Drish Hall of B. Johnston Lane Lockhart M'Collum M'Kinley M'Vay Moffett Peete Riddle Saunders of L. Tarrant Terrell Walker and Watkins.

Those who voted in the negative are, messrs Speaker Abernathy Baker Brodnax Campbell Carroll Fontaine Gilbreath Goynes Herbert Hickman Hubbard Keener Kilpatrick King of P. Loyd M'Rea Moore Musgrove Norwood Oliver of M. Payne Philpot Rather Rugely Saunders of D. Shackleford Shearer Swink Toulmin Ward.

Mr M'Vay moved a call of the House; which was lost.

Mr Erwin moved that the House adjourn till 10 o'clock, A.M. on Monday next; which was lost. Yeas 23—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Boyd Drish Erwin Faulk Fontaine Hays Herbert Lane Lockhart M'Afee M'Collum M'Kinley M'Vay Moffett Payne Peete Riddle Saunders of L. Shackleford Shearer and Watkins.

Those who voted in the negative are, messrs Abernathy Baker Brodnax Campbell Carroll Craig Gilbreath Goynes Hall of B. Hickman Hubbard Johnston Keener King of P. Loyd M'Rea Moore Musgrove Norwood Oliver of M. Philpot Rather Rugely Saunders of D. Swink Tarrant Toulmin Walker Ward and Wilkinson.

Mr Baker moved that the rule of this House which requires that local bills, &c. shall only be taken up on Fridays and Saturdays, shall for the present be suspended, and that the further consideration of this bill be postponed till Tuesday next, and made the special order for 11 o'clock on that day; which was lost, there not being two-thirds of the members present voting in the affirmative. Yeas 29—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Baker Brodnax Campbell Carroll Fontaine Gilbreath Goodwin Goynes Hickman Hubbard Keener King of P. Loyd M'Rea Moore Norwood Oliver of M. Payne Philpot Rather Rugely Saunders of D. Shackleford Swink Tarrant Toulmin Ward and Watkins.

Those who voted in the negative are, Messrs Speaker Acklen Craig Drish Erwin Faulk Hall of B. Hays Johnson Lane Lockhart M'Afee M'Kinley M'Vay Moffett Musgrove Peete Riddle Saunders of L. Walker and Wilkinson.

Mr Hubbard moved that the further consideration of the bill be postponed till Friday next, and made the special order of that day; which was carried.

Mr Rather moved to reconsider the vote taken on ordering to the third reading the bill entitled an act better to secure the University fund; which was carried.

Mr Rather further moved to reconsider the vote taken on the adoption of the following amendment to said bill: "that the gain, above six per cent. on University funds, made by said bank, after the Directory shall make due allowances for the respective proportion of bad and doubtful debts, shall be vested in State stock in favor of said University, and shall compose a part of the permanent funds of the institution;" which was carried.

And then the House adjourned till ten o'clock A. M. on Monday next.

Monday, Jan. 2, 1832.—The House met pursuant to adjournment.

Ordered, that Mr Erwin have leave of absence from this House until to-morrow.

The bill from the Senate entitled an act to reduce the size of the several divisions and brigades of the militia of this State, was read a first time and ordered to a second reading.

The bill from the Senate entitled an act to incorporate the South Florence Railroad Company, was read a first time and ordered to a second reading on Friday next.

Mr Lane presented the petition of sundry inhabitants of Limestone county, in relation to the contemplated railroad from Decatur to Tuscaloosa; which was read and laid on the table.

Mr Hubbard presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law to authorize all who profess to practice medicine under the Thompsonian theory, and who have patents therefor, to charge and recover at law a reasonable compensation for their services; which were read. *Ordered*, that the said petitions do lie on the table.

Mr Hubbard presented the petition of sundry inhabitants of township no. 7, range no. 6, west, praying the passage of a law to authorize a certain portion of the 16th section to be laid out in town lots and sold; which was read. *Ordered*, that said petition do lie on the table.

Mr Musgrove introduced a bill to be entitled an act for the free admission of students into the University of Alabama from the several counties of this State, in proportion to the white population of the same; which was read and ordered to a second reading.

A message was received from the Senate, by George N. Stewart, their secretary pro tem. which is as follows: Mr Speaker—I am directed to inform your honorable body, that the Senate did, on the 29th of December last, pass the following bills which originated in their body, to wit: an act to provide for digesting the laws of the State of Alabama; an act to exempt from taxation all incorporated academies in this State; an act to revive in part and amend an act to allow trustees of the State University pay for their services, passed December 26th, 1822: in which they desire your concurrence. They have also, on the 30th December last, passed the engrossed bill which originated in your honorable body entitled an act to establish certain ferries therein specified, and have amended the same by striking out the 4th section of the bill; also the bill entitled an act to alter the name of James Franklin Cooper to that of James Franklin Pride, and the name of George Westley Lindsley to that of George Westley Cockburn, and the name of Felix Lindsley to that of Felix Cockburn, and the name of Louisa Lindsley to that of Louisa Cockburn, and have amended the title thereof by striking out all after the word "the," where it first occurs in the title, and inserting in lieu thereof the words, "names of certain persons therein named." Also, they have had under consideration the bill from the Senate entitled an act to provide for the more speedy trial of slaves and free persons of color. They concur in the amendments made by the House of Representatives to the first section of the bill. They concur in the amendment made by the House to the second section of the bill. They have amended the amendment made by the House to the third section of the bill, by striking out the word "four," and inserting "twelve;" and striking out the word "two," and inserting "four." They disagree to the amendment made by the House to the sixth section. They concur in the amendment made by the House to the fifth

section; and also they concur in the amendment by way of additional eighth section to the bill. The Senate did this day pass the several bills which originated in their body of the following titles, to wit: an act concerning executors and administrators; an act to simplify scire facias in criminal cases, and for other purposes; an act to authorize sheriffs to take recognizances in certain cases; an act to amend an act establishing a Bank of the State of Alabama, approved 20th December, 1823; an act to entitle certain persons therein named to the right of citizenship; an act to establish a State road from Tuscaloosa to Montgomery; an act to incorporate the Prairie Creek Navigation Company; an act to provide for taking the depositions of certain officers therein named, and for other purposes; an act defining more particularly what persons shall compose the faculty of the University of Alabama; and an act for the relief of William Moore: in all of which they desire your concurrence. They have also read three several times and passed bills which originated in your honorable body of the following titles, to wit: an act to amend an act entitled an act for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes; an act to amend an act, approved the 20th January, 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians; an act to authorize the commissioners of revenue and roads of Baldwin county, to levy a tax for the purpose of building a jail in said county; an act to extend the corporation of the town of Athens, in Limestone county; an act to change the name of a certain person therein named; an act to repeal in part and amend an act entitled an act to authorize John A. Chapman, Daniel Welsh and their associates to turnpike a certain road therein named, approved December 29th, 1829; an act to establish a road therein mentioned; an act to provide for the support of paupers in the county of Franklin; an act to provide for the support of paupers in certain counties therein named; an act to authorize the commissioners courts of the counties of Franklin and Lawrence to build a bridge across Town creek; an act to authorize the administrators of the estate of James Ringstaff, dec'd, late of Lowndes county, to make title to a certain tract of land therein named; an act for the relief of the Limestone Guards; an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county; an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county; an act for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian in the land district of Huntsville; and an act to amend the several acts in relation to the compensation of the petit jurors in the county of St. Clair. They have also read three several times and passed the bills which originated in your honorable body, and amended the same as follows, to wit: an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named, amended in the 2d section as herewith shewn; an act for the relief of certain occupants of land in the counties of Morgan and Madison, amended by the addition of two sections nos. 3 and 4, and title amended as herewith shewn; an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823, amended by adding additional third section: in which amendments they respectfully desire your concurrence.

Bills from the Senate of the following titles, to wit: An act to provide for digesting the laws of the State of Alabama; an act to exempt from taxation all incorporated academies in this State; an act to revive in part and amend an

act to allow Trustees of the State University, pay for their services, passed December 26, 1822; an act concerning executors and administrators; an act to simplify *scire facias* in criminal cases, and for other purposes; an act to authorize sheriffs to take recognizances in certain cases; an act to amend an act establishing a Bank of the State of Alabama, approved December 20, 1831; an act to entitle certain persons therein named, to the right of citizenship; an act to establish a State road from Tuscaloosa to Montgomery; an act to incorporate the Prairie creek navigation company; an act to provide for taking the depositions of certain officers therein named, and for other purposes; an act defining more particularly what persons shall compose the faculty of the University of Alabama; and an act for the relief of William Moore; were severally read a first time and ordered to a second reading. *Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act to establish certain ferries therein specified. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act to alter the name of James Franklin Cooper, to that of James Franklin Pride; and the name of George Westley Lindsley, to that of George Westley Cockburn; and the name of Felix Lindsley, to that of Felix Cockburn; and the name of Louisa Lindsley, to that of Louisa Cockburn. *Ordered*, that the House concur in the amendment made by the Senate to their amendment to the third section of said bill in relation to slaves and free persons of color. *Ordered*, that the House recede from their amendment to the sixth section of the bill. *Ordered*, that the House concur in the several amendments made by the Senate to the bill entitled an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act for the relief of certain occupants of lands in the counties of Morgan and Madison. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823.

Mr Acklen presented the petition of Willis Banks and others, purchasers of University lands, praying relief; which was read and referred to the committee on education.

The hour of 12 o'clock having arrived, Mr Hubbard moved to suspend the orders of the day for the present; which was carried.

Mr Hubbard made the following report: The committee on roads, bridges and ferries to whom was referred the petition of a great number of the inhabitants of Marion county, complaining of the conduct of William H. Ragsdale, in relation to a certain turnpike road through said county, and praying the passage of a law defining the privileges of said Ragsdale, and making it penal for said Ragsdale to oppress and harrass the citizens of said county without authority, have had the subject under consideration, and have instructed me to report, that according to the charge of a large and respectable portion of the citizens of said county, the said Ragsdale, under color of authority derived from the act granting him a charter for said turnpike road, is in the constant habit of annoying travellers who travel other roads in no manner connected with his turnpike road, and under pretence that they are endeavoring to pass around his gates, exact the penalties provided by said act against those who pass around "*to avoid his gates;*" and other acts of oppression and vexation not to be borne or permitted by a free people, and that said Ragsdale is wholly insolvent and unable to remunerate the said travellers

and citizens for any damages sustained by reason of the outrages complained of. The same committee reported a bill entitled an act defining the extent of William H. Ragsdale turnpike privileges, and providing suitable penalties for the abuse thereof; which was read and ordered to a second reading.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to discontinue and establish certain election precincts therein specified, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purposes, was read a third time. Mr Payne moved that the bill lie on table; which was carried.

A message was received from the Senate by Mr Stewart, their Secretary pro tem: Mr Speaker—I am instructed by the Senate to inform your honorable body that they have read three several times and passed a bill to be entitled an act to provide for the payment of jurors in the county of Pickens; in which they desire your concurrence.

The bill from the Senate entitled an act to provide for the payment of jurors in the county of Pickens, was read a first time, and the constitutional provision requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and ordered to a third reading.

And then the House adjourned until forty-five minutes after 9 o'clock tomorrow morning.

Tuesday, January 3, 1832.—The House met pursuant to adjournment.

A quorum not having assembled, Mr Acklen moved a call of the House; which was disagreed to. A quorum then assembled, and the House proceeded to business.

Mr Speaker laid before the House a communication from Eli Shortridge; which was read and referred to the delegation from the counties of Covington and Pike.

Mr Musgrove presented the petition of sundry inhabitants of Blount county on the subject of the Thompsonian theory of the practice of medicine; which was read. *Ordered*, that said petition do lie on the table.

Mr Oliver of C. presented the petition of sundry citizens of Covington county, praying the passage of a law allowing compensation to sundry persons as witnesses in the prosecution now pending against the judge of the county court of Covington county; which was read and referred to a select committee, consisting of messrs Oliver of C. Cook and Harris.

A message was received from the Senate by Mr Stewart, their secretary pro tem: Mr Speaker—I am instructed by the Senate to inform your honorable body that they have read three several times and passed; joint resolutions asking the consent of Congress to authorize the State of Alabama to lay a tonnage duty of three cents per ton for the support of a harbor-master for the port and harbor of Mobile; and, an act permanently to fix the seat of justice in the county of Wilcox; which originated in their body, and in which they respectfully desire your concurrence. They have also read three times and passed the bill which originated in your honorable body, entitled an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; and, an act to incorporate the Florence Bridge Company, and have amended the same by a proviso at the end of the last section of the bill, as is herewith shewn: in which amendments they respectfully ask your concurrence.

A bill and joint resolutions from the Senate of the following titles, to wit: An act permanently to fix the seat of justice in the county of Wilcox, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee, consisting of messrs Moore, Ross and Augustus to consider and report thereon. Joint resolutions from the Senate, asking the consent of Congress to authorize the State of Alabama to levy a tonnage duty of three cents per ton for the support of a harbor-master for the port and harbor of Mobile, was read and ordered to a second reading.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to incorporate the Florence Bridge Company.

Mr Musgrove, from the military committee to which was referred the bill entitled an act to amend an act to alter the time of holding company courts martial, reported a substitute in lieu thereof, by striking out all after the enacting clause. Mr Carroll moved to amend the 4th section of the bill by striking out the words "the sheriff of the county in which his regiment or battalion may belong, or to the constable of the bert," to insert these words—"any lawful officer of the county;" which was carried. Mr Abernathy moved to amend the 3d section by inserting after the word "month" the words "or at the next company muster;" which was adopted. Mr Rather moved to amend the first section by striking out the word "four" to insert the word "two," so that it will read two company musters instead of four; which was lost. Mr Rather moved to strike out the 2d section. Mr Craig moved that the bill be indefinitely postponed; which was lost. Yeas 24—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Craig Drish Erwin Fontaine Foster Gayne Hickman Hollis Leyd M'Affee M'Kinley M'Vay Moffett Oliver of C. Payne Peete Philpot Rather Shackelford Swink Snedcor Terrell Walker and Watkins.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Boyd Bradnax Carroll Dellet Faulk Farrar Gilbreath Goodwin Hall of B. Harris Hays Herbert Hubbard Johnston Keener Kilpatrick Lane Lea Lockhart M'Collum M'Rea Moore Musgrove Oliver of M. Paul Riddle Rugely Saunders of D. Saunders of L. Tarrant Toulmin Ward and Wilkenson.

The question recurred on mr Rother's motion to strike out the 2d section, and lost. Mr Abernathy moved to amend the 3d section after the word "muster," with the following: "and notice given by the commanding officer when his company shall meet again, shall be legal notice to all delinquents or defaulters who have failed to do their duty and liable to attend court martial;" which was lost. The question was then to adopt the substitute as amended, and carried. The bill was ordered to be engrossed for a third reading.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved Dec. 17, 1823; an act to alter the names of certain persons therein named; an act for the relief of certain purchasers of the sixteenth section, in township two, range one, east of the basis meridian, in the land district of Huntsville; an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county; an act to alter the time of holding the courts of commissioners of revenue and roads in Shelby county; an act to amend an act, approved January 20, 1830, authorizing Samuel Swilley and others to mark out a road leading through that part of Pike county now occupied by the Creek Indians; all of which bills were severally signed by mr Speaker.

Mr Harris, from the committee on propositions and grievances to whom

was referred the petition of many citizens of Wilcox county, praying the passage of a law to permit William Proctor to practice law in the several courts in this State without taking the oath against duelling, reported a bill to be entitled an act for the relief of William Proctor; which was read and ordered to a second reading.

The hour of 12 o'clock having arrived, mr Fontaine moved that the orders of the day be suspended for the present; which was agreed to.

Mr Fontaine made the following report: The committee to whom was referred so much of the Governor's message as relates to the State Capitol, and a resolution requiring what amount of the appropriation made by the last Legislature for the completion of the State Capitol has been expended, and what work has been done, whether or not those individuals who made gifts of lots to the State have made titles to the same; and also to whom was referred the report of the commissioners appointed to superintend the building of the State Capitol, have instructed me to report that the above resolution which relates to the appropriation made by the last Legislature, and the donation of lots by citizens of Tuscaloosa, has been fully answered by the report of the commissioners made to this House some time ago and referred to your committee. The same committee reported a bill to be entitled an act making an appropriation for the completion of the State Capitol; which was read and ordered to a second reading.

Upon a question of order, mr Payne moved to call up the bill entitled an act to class and fix the price of University lands forfeited for non-payment of the purchase money, and for other purposes. Mr Speaker decided that the orders of the day being then under consideration, the motion could not be submitted to the House unless the orders were first suspended; from which decision mr M'Kinley appealed, and upon the question being submitted, Shall the decision of the Chair stand as the judgement of the House? it was determined in the affirmative. Yeas 40—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Boyd Brodnax Campbell Carrol Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Hall of A. Harris Herbert Hickman Hollis Lane Lockhart Loyd M'Collum Moffett Moore Musgrove Oliver of C. Paul Philpot Riddle Rugely Saunders of L. Shackleford Swink Stephens Tarrant Terrell Ward and Wilkinson.

Those who voted in the negative are, messrs Baker Craig Goynes Hays Hubbard Johnston Kilpatrick Lea M'Attee M'Kinley M'Rea M'Way Oliver of M. Payne Peete Rather Saunders of D. Walker and Watkins.

Mr Payne moved that the orders of the day be suspended for the present; which was agreed to.

Mr Payne then called up the bill to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purposes. Mr M'Rae moved to postpone the further consideration of the bill and make it the special order of the day for Thursday next; which was carried.

The bill to organize a separate supreme court, was read a second time. The question was on mr Craig's motion to postpone the bill indefinitely, and lost. Yeas 17—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Boyd Brodnax Craig Faulk Goodwin Hall of A. Hollis Keener Loyd M'Collum M'Way Philpot Stephens Walker Ward and Watkins.

Those who voted in the negative are, messrs Speaker Acklen Augustus Baker Campbell Dellet Drish Erwin Fontaine Foster Gilbreath Goynes Harris Hays Herbert Hubbard Johnston Lane Lea Lockhart M'Kinley M'Rea Moffett Moore Oliver of C. Oliver of M. Paul Payne Peete Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Swink Smedicor Tarrant Terrell Toulmin and Wilkinson.

The bill was then ordered to be engrossed for a third reading and made the special order of the day for to-morrow.

The engrossed bill entitled an act better to secure the University fund being under consideration, Mr Hubbard moved to amend it by adding thereto an additional section as a substitute in lieu of the second section; which was adopted: it was ordered to be re-engrossed and made the special order of the day for a third reading to-morrow.

And then the House adjourned till 3 o'clock this evening.

Evening session 3 o'clock.—The bill entitled an act authorizing the Trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money, was read a second time and ordered to be engrossed for a third reading.

The bill to incorporate a bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, was read a second time. The question was on Mr Hubbard's amendment to the 27th section, and lost. Yeas 25—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Brodnax Campbell Faulk Farrar Goodwin Hays Herbert Hickman Hollis Hubbard Keener Lane Lea M'Affee Moore Paul Riddle Rugely Saunders of D. Skackelford Swink Stephens Walker and Ward.

Those who voted in the negative are, messrs Abernathy Acklen Baker Boyd Carroll Craig Dellet Drish Erwin Fontaine Foster Gilbreath Goyne Hall of B. Johnston Kilpatrick King of P. Lockhart Loyd M'Collum M'Kinley M'Rea M'Vay Moffett Musgrove Payne Peete Philpot Rather Saunders of L. Tarrant Terrell Toulmin and Wilkinson

The question was then on ordering the bill to a third reading.

And the House adjourned until to-morrow morning at 10 o'clock.

Wednesday, January 4, 1832.—The House met pursuant to adjournment.

Mr Norwood presented the account of Daniel Lucas, sheriff of Jackson county; which was read and referred to the committee on accounts to report thereon.

Mr Peete, from the judiciary committee to whom was referred the memorial of James T. Garrett, relative to the misconduct of David Lipscomb, clerk of the circuit court of Bibb county, reported that it is unnecessary to legislate on the matters, as ample redress is provided by the existing laws for the injury complained of: in which report the House concurred.

A message was received from the Senate by Mr Stewart: Mr Speaker—The Senate have read three several times and passed, bills which originated in their body entitled an act providing for the erection of a State arsenal; an act to provide for the payment of the land commissioners for certain services rendered the State: in which they respectfully desire your concurrence. They have also read three several times and passed bills which originated in your honorable body entitled, "an act to authorize Moses Packer and Aaron Packer to establish a ferry across the Chatahoochie river; an act for the relief of Winifred Jemison, wife of John Jemison—which last they have amended by striking out the last proviso in the bill, and inserting in lieu thereof another, as is herewith shewn; and an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene, and Pickens, approved January 20th, 1830, and have amended the same as herewith shewn: in which amendments they respectfully desire your concurrence. Bills from the Senate of the following titles, viz: an act providing for the erection of a State arsenal; an act to provide for the payment of the land commissioners for certain services rendered the

State, were severally read and ordered to a second reading. *Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act for the relief of Winifred Jemison, wife of John Jemison.

Mr Dellet made the following report: the judiciary committee to whom was referred a bill entitled an act to prevent the introduction of slaves into Alabama, and for other purposes, with sundry amendments made thereto by the Senate, have examined the same, and have instructed me to recommend to the House to concur in the amendments made by the Senate to said bill, except the striking out the twenty-third section of said bill. Mr Saunders of L. moved that the further consideration of the bill, with the proposed amendments, be postponed until to-morrow, and made the special order of the day; which was lost. The question was then on concurring with the amendments made by the Senate to said bill. Mr Erwin moved to amend the amendment made by the Senate to the 12th section, by striking out the words "one hundred," with the view to insert "thirty-nine;" which was carried. *Ordered*, that the House disagree to the amendment made to the 14th section, by striking out the words "thirty-nine," with the view to insert "one hundred." Mr Abernathy moved to amend the amendment, by striking out "ten years," to insert "one year;" which was lost. *Ordered*, that the House disagree to the amendment to the 14th section, by striking out the words "suffer death," with the view to insert the following: "forfeit his or her liberty, and be sold as a slave for the term of ten years, by order of any two justices of the peace, before whom he or she may be taken and convicted, ten days previous notice being given of the time and place of sale, one half of the proceeds of said sale, after paying one dollar each to said justices, and two dollars to the constable for attending the trial and selling said free person of color, together with all other costs that may accrue, shall be paid to the use of the informer and the other half to the use of the State." *Ordered*, that the House disagree to the amendment, by striking out the 23d section. Mr Campbell moved to amend the amendment made, by adding an additional section to the bill, by striking out the word "dollars" to insert the word "lashes;" which was agreed to. Mr Tarrant moved to amend the amendment with the following: after the word "color" insert these words, "unless in the presence of five reputable slave-holders;" which was carried." Yeas 43—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Brodnax Craig Dellet Drish Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Hickman Johnston Kilpatrick King of M. King of P. Lea Lockhart Loyd M'Affee M'Rea M'Vay Moore Musgrove Nabors Norwood Oliver of C. Philpott Rather Riddle Saunders of L. Shearer Stephens Tarrant Toulmin Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Baker Boyd Campbell Hays Herbert Hollis Hubbard Keener M'Collum M'Kinley Moffett Paul Payne Peete Rugely Saunders of D. Shackleford and Walker.

Mr Hubbard offered the following proviso, which was adopted: *Provided*, that the negroes so harranguing and preaching shall be licensed thereto by some regular body of Christians immediately in the neighborhood, and to whose society or Church said negro shall properly belong. Mr Hubbard moved that the House disagree to the amendments as amended; which was lost. Yeas 17—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker Erwin Farrar Goodwin Hickman Hollis Hubbard Kilpatrick M'Affee M'Rea Moore Musgrove Philpot Rather Toulmin Walker and Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Boyd Campbell Carroll Craig Dellet Drish Faulk Fontaine Foster Goynes Hall of A.

Hall of B. Harris Hays Herbert Johnston Keener King of M. King of P. Lane Lea Lockhart Loyd M'Collum M'Kinley M'Vay Meffett Nabors Norwood Oliver of C. Paul Payne Peete Riddle Rugely Saunders of D. Saunders of L. Shackelford Shearer Stephens Ward and Watkins.

The amendment as amended was then concurred in. *Ordered*, that the House concur in all the other amendments made by the Senate to said bill. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Riddle moved that the House disagree to the amendment made by the Senate to the bill entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene, and Pickens, approved January 20th, 1830, by striking out all after the enacting clause, and by substituting another bill in lieu thereof; which was carried.

Mr Riddle moved that a committee of conference be appointed to adjust the difference between the two Houses as to the said amendments; whereupon, messrs Erwin, Paul and Peete were appointed said committee.

The hour of 12 o'clock having arrived, Mr Baker moved that the orders of the day be suspended; which was lost.

Mr Paul made the following report: the committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: an act for the support of paupers in certain counties therein named; an act to amend the several acts in relation to the compensation of petit jurors in the county of St. Clair; and an act for the relief of the Limestone Guards.

Mr Riddle made the following report: the committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to establish a road therein named; an act to authorize the commissioners court of the counties of Franklin and Lawrence to build a bridge across Town creek; an act to amend an act entitled an act, for the better regulation of judicial proceedings, passed February 7, 1818, and for other purposes; an act to authorize the administrators of the estate of James Ringstaff, deceased, late of Lowndes county, to make title to a certain tract of land therein named; an act to extend the corporation of the town of Athens, in Limestone county; and an act to change the name of a certain person therein named.

Mr Watkins made the following report: the committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; an act for the relief of certain occupants of lands in the counties therein named; an act to authorize the commissioners of revenue and roads of Baldwin county to lay a tax for the purpose of building a jail in said county; an act to establish certain ferries therein named; and an act to repeal in part and amend an act entitled an act to authorize Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named, approved Dec. 20, 1829, which bills were signed by Mr Speaker.

The engrossed bill entitled an act to organize a separate supreme court was read a third time. Mr Erwin moved to fill the blank in the 4th section of the bill with the words "*Twenty-five hundred.*" Mr M'Kinley moved to fill said blank with the words, "*two thousand*;" which was lost. Yeas 21—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Augustus Brodnax Campbell Carroll Dellet Drish Erwin Hall of B. King of M. King of P. M'Kinley M'Rea Norwood Oliver of C. Paul Peete Riddle Saunders of D. and Toulmin.

Those who voted in the negative are, messrs Abernathy Baker Boyd Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick Lane Lea Lockhart Loyd M'Afee M'Collum M'Vay Moffett Moore Musgrove Nabors Payne Philpot Rather Rugely Saunders of L. Shackelford Shearer Stephens Tarrant Terrell Walker Ward Watkins and Wilkinson.

Mr M'Rea moved to fill the blank with the words, "*nineteen hundred*;" which was lost. Yeas 18—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Brodnax Carroll Dellet Drish Erwin Hall of B. King of M. M'Rea Norwood Oliver of C. Paul Peete Riddle Saunders of D. and Toulmin.

Those who voted in the negative are, messrs Abernathy Baker Boyd Campbell Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Afee M'Collum M'Kinley M'Vay Moffett Moore Musgrove Nabors Payne Philpott Rather Rugely Saunders of L. Shackelford Shearer Stephens Tarrant Terrell Walker Ward Watkins and Wilkinson.

Mr Augustus moved to fill the blank with the words, "*Seventeen hundred and fifty*;" which was carried. Yeas 44—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Campbell Carroll Dellet Drish Erwin Fontaine Foster Goodwin Goyne Hall of B. Harris Hays Hickman Hubbard Johnston King of M. Lane Lea Lockhart M'Rae Moffett Moore Musgrove Nabors Paul Payne Peete Rather Riddle Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker and Wilkinson.

Those who voted in the negative are, messrs Boyd Brodnax Faulk Farrar Hall of A. Hollis Keener Kilpatrick King of P. Loyd M'Afee M'Collum M'Kinley M'Vay Norwood Oliver of C. Philpott Stephens Walker and Ward.

Mr Philpot moved that the House adjourn until 3 o'clock this evening; which was lost.

Mr Hays moved a call of the House; which was lost. The question was on the passage of the bill, and the question being put, "Shall this bill pass?" it was determined in the affirmative. Yeas 40—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Campbell Carroll Dellet Drish Erwin Fontaine Foster Goyne Hall of B. Harris Herbert Kilpatrick King of M. Lane Lea Lockhart M'Rae Moffett Moore Musgrove Nabors Paul Payne Peete Rather Riddle Ross Saunders of D. Saunders of L. Shackelford Shearer Swink Tarrant Terrell Toulmin and Wilkinson.

Those who voted in the negative are, messrs Abernathy Boyd Brodnax Faulk Farrar Goodwin Hall of A. Hays Hickman Hollis Hubbard Johnston Keener King of P. Loyd M'Afee M'Collum M'Kinley M'Vay Norwood Oliver of C. Philpot Rugely Stephens Walker Ward and Watkins.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until 3 o'clock this evening.

Evening session 3 o'clock.—Mr Abernathy moved a call of the House, when the following members answered to their names, to wit: Messrs Speaker Abernathy Boyd Dellet Faulk Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Hickman Hubbard Johnston Keener Kilpatrick Lea M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Nabors Norwood Paul Payne Peete Philpot Rather Ross Swink Stephens Tarrant Ward Watkins and Wilkinson.

Ordered, that messrs Terrell, Craig, Snedcor, King of M. Oliver of M. and Saunders of L. have leave of absence from this House until to-morrow.

Mr Dellet moved that the absent members be sent for; which was disagreed to.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit: An act better to secure the University fund; and an act authorizing the Trustees of the University of

the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to amend an act to alter the times of holding company courts martial, was read a third time and passed. Yeas 37—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Campbell Carroll Dellet Drish Faulk Farrar Gilbreath Goodwin Hall of B. Harris Herbert Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart McAfee McCollum M'Rea Moore Musgrove Nabors Riddle Rugely Saunders of D. Tarrant Toulmin Ward and Wilkinson.

Those who voted in the negative are, messrs Craig Erwin Fontaine Foster Goyne Hall of A. Hays Hickman Hollis Loyd McKinley M'Vay Moffett Norwood Oliver of C. Payne Peete Philpot Rather Shackelford Swink Stephens Walker and Watkins.

Mr Hubbard moved to amend the title as follows: "And for other purposes; which was agreed to. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, being under consideration. The question was, Shall the bill be engrossed and read a third time? it was determined in the affirmative. Yeas 40—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Bradmax Campbell Carroll Cook Dellet Drish Erwin Faulk Farrar Fontaine Foster Hall of A. Harris Herbert Hickman Hubbard Johnston Kilpatrick Lane Lea McAfee McCollum M'Rea Moore Musgrove Nabors Paul Peete Ross Rugely Saunders of D. Tarrant Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Boyd Craig Gilbreath Goodwin Goyne Hall of B. Hays Hollis King of P. Lockhart Loyd McKinley M'Vay Moffett Norwood Oliver of C. Philpot Rather Shackelford Swink Stephens Walker and Ward.

Mr Baker moved that the orders of the day be suspended; which was carried.

Mr Baker introduced a bill to incorporate the Montgomery rail-road company; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee to consist of messrs Baker, Oliver of M. and Rugely.

Mr Peete introduced a bill to establish an academy of learning at Triana, in Madison county; which was read and ordered to a second reading.

Mr Saunders of D. introduced a bill for the relief of William Taylor; which was read and ordered to a second reading.

And then the House adjourned till to-morrow morning at 10 o'clock.

Thursday, January 5, 1832.—The House met pursuant to adjournment.

Ordered, that mr Oliver of M. have leave of absence from the House until to-morrow.

Mr Dellet presented the account of Jesse C. Farrar, sheriff of Monroe county; which was read and referred to the committee on accounts.

Mr Acklen presented the account of John R. H. Acklen, sheriff of Madison county; which was read and referred to the committee on accounts.

Mr M'Kinley presented the petition of John B. Ives & Co. and others, praying the passage of a law to restrain the sale of ardent spirits at any point within one mile of the line of the Tennessee canal, until the same be completed; which was read and referred to the committee on inland navigation.

Mr Herbert called up the accounts of sundry individuals of Dallas county, against the State of Alabama. They were referred to the committee on propositions and grievances.

A message was received from the Senate by Mr Conner, their secretary: Mr Speaker—The Senate have passed bills which originated in the House of Representatives, of the following titles, viz: An act to authorize William B. Norris to erect a mill on the Cahawba river; an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; an act amendatory of an act entitled an act to amend an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes; an act to incorporate the Planters' Wharf and Steamboat Company, in the town of Montgomery; the last of which they have amended as set forth in the bill: in which amendment they ask the concurrence of the House of Representatives. The Senate have also passed joint resolutions in relation to the suppression of publications of an incendiary nature in other States: in which they respectfully ask the concurrence of the House of Representatives.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act to incorporate the Planters' Wharf and Steamboat Company, in the town of Montgomery.

The joint resolutions from the Senate, entitled joint resolutions in relation to the suppression of publications of an incendiary nature in other States, was read a first time and ordered to a second reading.

Mr Carroll, from the military committee to which was referred the bill from the Senate, entitled an act to divide the 46th regiment of the militia of this State, composed of the counties of Covington and Dale, reported the same without amendment. The bill was ordered to a third reading.

Mr Campbell, from the committee on propositions and grievances to which was referred the petition of James D. Hodges, praying that a certain sum of money paid by him into the State treasury, be refunded to him—reported a bill to be entitled an act for the relief of James D. Hodges, assessor and tax-collector of Conecuh county for the year 1830; which was read and ordered to a second reading.

Mr Dellet, from the judiciary committee to whom was referred the bill from the Senate, entitled an act to reduce into one the several acts in relation to the fees of judges and clerks of the county courts in this State, and for other purposes, reported the following amendment: strike out all the bill after the enacting clause, except the two last sections: in which report the House concurred. Mr Erwin moved to amend the bill by adding thereto an additional section; which was carried. It was then ordered to a third reading.

Mr Baker, from the select committee to whom was referred the bill entitled an act to incorporate the Montgomery rail-road company, reported the same without amendment. It was ordered to be engrossed and made the special order of the day for a third reading on to-morrow.

Mr M'Kinley introduced a bill to authorize the establishment of a road from Florence to the Tennessee line; which was read and made the special order of the day for a second reading to-morrow.

Mr Hickman introduced a bill to be entitled an act to amend an act entitled an act authorizing the citizens of Sommerville, in Morgan county, to elect a constable, approved January 7, 1827; which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Ten-

nessee and Alabama rail-road company; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to a select committee consisting of messrs Toulmin, Erwin, Riddle, Fontaine, Boyd, Herbert, Goyne, Musgrove, Rather, Acklen, Gilbreath, Saunders of L. Hubbard and Craig.

Mr Baker introduced joint resolutions in relation to the United States' Bank;" which was read a first time and made the special order of the day for a second reading on Monday next.

Mr M'Kinley called up the memorial to the Congress of the United States on the subject of the Bank of the United States. The further consideration thereof was postponed and made the special order of the day for Monday next.

Mr Herbert, from the select committee to whom was referred the petition of sundry inhabitants of Cahawba and its vicinity, reported a bill to be entitled an act to dispose of certain public lands and for other purposes; which was read and ordered to a second reading.

A message was received from the Governor by James I. Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did on the 4th inst. approve and sign the following bills: An act amendatory to an act entitled an act supplementary to the laws respecting garnishment, approved December 17, 1823; an act to alter the names of certain persons therein named; an act authorizing certain persons therein named to erect a bridge across Flint creek, in Morgan county; an act to alter the time of holding the courts of commissioners of revenue and roads of Shelby county; an act for the relief of certain purchasers of the 16th section, in township two, range one, east of the basis meridian, in the land district of Huntsville; an act to amend an act, approved January 20, 1830, authorizing Samuel Swilley and others, to mark out a road leading through that part of Pike county now occupied by the Creek Indians; all of which originated in the House of Representatives.

And then the House adjourned until this evening at 3 o'clock.

Evening session 3 o'clock.—A message was received from the Senate by mr Morton: Mr Speaker—The Senate have read three several times and passed a bill entitled an act for the payment of certain claims therein specified; in which they ask the concurrence of the House of Representatives.

The engrossed bill entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purposes, was read a third time. Mr Payne moved to amend the bill by way of engrossed ryder, by way of section No. 7; which was read three several times and adopted.

Mr Erwin asked leave to be discharged from the select committee appointed on the bill entitled an act to incorporate the Tennessee and Alabama rail-road company; which was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday, Jan. 6, 1832.—The House met pursuant to adjournment.

A message was received from the Senate by mr Conner, their Secretary: Mr Speaker—The Senate have had under consideration the amendments proposed by the House of Representatives to the amendments made by the Senate to the bill which originated in the House of Representatives entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes. They concur in the amendment of the House as reported to them to the 10th amendment of the Senate. They concur in the amendment of the house to their 20th amendment. They also concur in the proviso of the House to the 27th sec. They recede from their 12th amendment. They recede from their

18th amendment. They insist on their ^{seventeenth} amendment. They have appointed messrs Hogan, Edmondson and ^{generally} ^{necessity} ^{of the} ^{House} ^{to the} ^{amendment} ^{of the} ^{Senate} ^{to the} ^{bill} ^{which} ^{originated} ^{in the} ^{House} ^{of Representatives} ^{entitled} ^{an act} ^{supplementary} ^{to an act} ^{entitled} ^{an act} ^{appointing} ^{commissioners} ^{to es-} ^{tablish} ^{the line} ^{between the} ^{counties of} ^{Tuscaloosa,} ^{Greene} ^{and} ^{Pickens.}— They have passed a bill entitled an act to alter the name of a certain town therein named; in which they ask the concurrence of the House of Representatives.

The bill from the Senate entitled an act for the payment of certain claims therein specified, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Rather moved to amend the second section by striking out the word "fifty" whenever it occurs in said section, with a view to insert the words "thirty-four and eighty cents;" which was carried. Yeas 32—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Campbell Craig Farrar Fester Goyne Herbert Hollis Johnston King of P. Lea Lockhart Loyd M'Afee M'Cellum M'Rea M'Way Moffett Nabors Norwood Payne Philpot Rather Riddle Shackelford Swink Snedcor Stephens Tarrant Walker and Wilkinson.

Those who voted in the negative are, messrs Augustus Baker Boyd Brodnax Carroll Cook Dellet Drish Erwin Faulk Fontaine Gilbreath Hall of A. Hall of B. Harris Hickman Hubbard Keener Kilpatrick M'Kinley Moore Oliver of C. Oliver of M. Paul Peete Rugely Saunders of D. Saunders of L. Toulmin Ward and Watkins.

And the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith. *Ordered*, that the House recede from their disagreement to the 13th amendment made by the Senate to the bill entitled an act to prevent the introduction of slaves into Alabama, and for other purposes.

The bill from the Senate entitled an act to alter the name of a certain town therein named, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Watkins presented the memorial of Samuel Gates and Charles G. Lynch, relative to a toll-bridge across the Conecuh river, at the town of Montezuma; which was read and referred to the same committee to which was referred other petitions on the same subject.

Mr Campbell, from the committee on propositions and grievances to which was referred the claim of John Lawler for compensation for services in transporting a portion of the public arms to the county of Shelby, reported that it is inexpedient to allow the claim, and ask leave to be discharged from the further consideration of the subject. *Ordered*, that said report lie on the table.

The same committee to which was referred the claim of William Newson, reported a bill to be entitled an act for the relief of William Newson; which was read and ordered to a second reading.

Mr Lea, from the select committee to whom was referred the petition of sundry citizens of Perry county, praying that the patentees of Samuel Thompson should not be permitted to practice medicine, reported that the prayer of the petitioners is unreasonable and should not be granted, and ask leave to be discharged from the further consideration of the subject. Mr Herbert moved that the report lie on the table; which was carried. Yeas 48—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Boyd Brodnax Campbell Cock Craig Dellet Drish Fontaine Foster Gilbreath Goyn Hall of A. Hall of B. Harris Herbert Hickman Hollis Keener Lane Lockhart Loyd M'Kinley M'Vay Moffett Moore Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Tarrant Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Faulk Farrar Hubbard Johnston Kilpatrick King of P. Lea M'Collum M'Rea Musgrove Nabors Shackelford Shearer Swink Snedcor and Stephens.

Mr Fontaine presented the account of William Y. Glover, sheriff of Tuscaloosa county; which was read and referred to the committee on accounts.

Mr Philpot, from the committee on inland navigation to whom was referred the petition of the canal contractors on the Tennessee river, reported a bill to be entitled an act to prevent the sale of spirituous liquors to the hands engaged in improving the navigation of the Tennessee river; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith.

Mr Saunders of L. moved to amend the bill by way of proviso: which was adopted: and the question being put, shall this bill be engrossed and read a third time? it was determined in the affirmative. Yeas 36—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acklen Augustus Brodnax Campbell Carroll Craig Erwin Faulk Gilbreath Goyn Hall of A. Hall of B. Hickman Kilpatrick Lane Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Moffett Nabors Norwood Oliver of c. Oliver of m. Peete Philpot Riddle Saunders of L. Snedcor Stephens Tarrant Walker Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Baker Boyd Dellet Drish Farrar Fontaine Foster Harris Herbert Hollis Hubbard Johnston Keener King of p. M'Collum Musgrove Paul Payne Rather Ross Rugely Saunders of D. Shackelford Shearer Swink Toulmin and Ward.

Mr Goyn made the following report:

The select committee to whom was referred the memorial of the citizens of Jefferson county, on the subject of a Railroad from Decatur to Selma, to connect the Tennessee and Alabama rivers, have had the same under consideration, and have instructed me to make the following Report:

The committee regret that they are not in possession of the proper information, either as regards the extent of the commerce which it is designed to accommodate, or the topography of the country along which it is proposed to run, to enable them to treat the subject in that light which its magnitude and importance entitles it to. They believe, however, that if, on future examination, it can be shown, that the proposed communication is practicable, and can be brought within the compass of the means of the State, or of her citizens, it will incalculably conduce to the promotion of the interests of all sections of the State; that it will, at the same time, tend to elevate our character abroad, and afford a proud and lasting monument of our enterprise, and of the genius of the age in which we live. The proposed work, if executed in accordance with the prayer of the memorialists, by connecting the remotest points of the State with one another, and binding them together by the strongest of all ligaments, the ties of interest, would in a short time allay and extinguish all those sectional prejudices and jealousies which now exist, and unite us in one harmonious whole. And by concentrating the entire commerce of our State on one point, we shall be advancing the commercial interests of our country, and build up within our own limits a great emporium of trade, second only to one in the southern section of the Union in extent and importance.

As before stated, the committee, from their own knowledge of the topography of the country, are not prepared to pronounce such a work *certainly* practicable; but from information which has been afforded them by others, they are of opinion that it is so. It has been represented to them, that by ascending the valley of Flint creek from the Tennessee river, and crossing the ridge dividing the waters of the last named from those of the Black Warrior, a route can be found of such inconsiderable elevation, as to authorize the use of locomotive engines. After crossing this ridge, and falling upon the sources of the southern waters, it is said that few or no obstacles present themselves throughout the whole route, to its termination on the Alabama river, the course running through Jones' Valley, and crossing from that to the Cahawba Valley, pursues its way through a level, fertile, and productive country.

The railroad system of improvement, wherever its advantages have been experienced, is rapidly winning its way into general favor, and is, in the opinion of the committee, peculiarly adapted to the necessities of this section of the country; and there can be little doubt that when the science shall come to be better understood, it will, as a medium of transportation, supersede the use of canals, and even of navigable rivers themselves, having the advantage of both, in economy, expedition and safety. The best practicable commentary yet presented to the world on their superior utility, is contained in the petition of the proprietors of the Leeds, Bury & Bolton Canal to the late British Parliament, praying for permission to convert their canal into a railroad, which was unhesitatingly granted them.

It is impossible to calculate with any degree of certainty the amount of commerce which would be done on this road, as improvements of this kind, as they progress, develop the natural and hitherto hidden resources of the country through which they pass, and create new and unthought of materials for trade and commerce. The committee are confident that the estimate of the probable amount of trade offered by the memorialists, is not an exaggerated one; while they conceive that the probable cost of the work has been greatly over estimated.

With this view of the subject, the committee are of opinion that it is of sufficient moment to entitle it to legislative patronage and careful investigation.

The same committee reported a joint resolution requiring the Governor to cause a survey to be made for constructing a railroad; which was read and laid on the table.

Mr Harris, from the committee on propositions and grievances to whom was referred the petition of W. P. Bryant and Randolph Bryant, praying the passage of a law changing the names of certain persons, reported a bill to be entitled an act to change the names of certain persons therein named; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Musgrove moved the following amendment: and the name of Andrew Kibble to that of Andrew Tharp; which was adopted. The bill was ordered to be engrossed for a third reading.

A message from the Senate by Mr Morton: Mr Speaker—The Senate concur in the amendments made by your honorable body to the bill for the payment of certain claims therein specified.

The House then proceeded to the orders of the day.

Engrossed bills of the following titles, to wit: an act to incorporate the Montgomery Railroad Company; and an act to authorize the commanding officers of the 49th regiment, in the 11th brigade, of the Alabama militia to form two company beats with a less number than 40 privates in the county of Pike, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

The bill from the Senate entitled an act to authorize Thomas M'Donald to collect toll on a bridge across Conecuh river, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative. Yeas 43—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Boyd Brodnax Campbell Carroll Cook Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goynes Hall of A. Hall of B. Harris Hickman Hollis Johnston Kilpatrick King of P. Lea Loyd M'Afee M'Collum M'Rea M'Vay Moffett Moore Norwood Oliver of C. Rather Ross Rugely Saunders of L. Shackleford Shearer Stephens Walker Ward and Watkins.

Those who voted in the negative are, messrs Speaker Augustus Baker Craig Dellet Herbert Keener Lane Lockhart M'Kinley Nabors Oliver of M. Paul Payne Peete Riddle Saunders of D. Swink Tarrant Toulmin and Wilkinson.

Title of the bill amended—strike out "M'Donal," and insert "M'Daniel." Add to the end of title the following words: at the town of Montezuma; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned untill this evening 3 o'clock.

Evening Session, 3 o'clock.—Bills from the Senate of the following titles, to wit: An act for the relief of William J. Price, of Jackson county; an act to authorize Jesse During and Philip Brothers to turnpike a road therein mentioned; an act to divide the 46th regiment of the militia of this State composed of the counties of Covington and Dale; an act to provide for the payment of jurors in the county of Pickens, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hubbard moved to suspend the rule in relation to bills on their third reading; which was carried.

The bill from the Senate, entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read a second time. Mr Saunders of L. moved to amend the bill by striking out the 11th section and insert another in lieu thereof; which was lost. Yeas 8—Nays 58.

The yeas and nays being desired, those who voted in the affirmative are, *messrs* Craig Dellet Hall of B. Johnston Lane M'Kinley M'Vay and Saunders of L.

Those who voted in the negative are, *messrs* Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cock Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goyns Hall of A. Harris Hickman Hubbard Keener Kilpatrick King of P. Lockhart Loyd M'Affee M'Collum M'Rea Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Kiddle Ross Rugely Saunders of D. Shackleford Shearer Swink Snedcor Stephens Tarrant Toulmin Walker Ward Watkins and Wilkinson.

The bill was then made the special order of the day for its third reading to-morrow.

The bill from the Senate, entitled an act to incorporate the South Florence Railroad Company, was, on motion of Mr M'Kinley, ordered to lie on the table.

The bill entitled an act to authorize the establishment of a road from Florence to the Tennessee line, was read a second time. Mr Craig moved that it lie on the table; which was carried.

Engrossed bills of the following titles, to wit: An act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified; an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to the said decedent; an act to compensate the commissioners of revenue and roads of the counties therein named; and, an act for the relief of James A. Thompson, late tax-collector of Dallas county; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate, entitled an act granting and releasing to Mary Sebrie certain real estate escheated to the State of Alabama, was read a third time and passed. Mr M'Kinley moved to amend the title by striking out the word *Sebrie*, and inserting the word *Sebier*; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate, entitled an act to provide for the drawing of an additional number of jurors and for compensating tales jurors in the county of Perry, was read the third time and passed. Mr Moffett moved to amend the title as follows: strike out the word *county* and insert *counties*; and add the words *and Greene* after the word *Perry*. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to divide the 12th regiment of the militia of this State, was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate, entitled an act to revive and amend an act entitled an act to incorporate the Trustees of the Tuscumbia Academy, in Franklin county, approved January 13, 1826, was read a second time and ordered to a third reading.

And then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, January 7, 1832.—The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from Wm. H. Ragsdale, relative to a turnpike road; which was read. Mr Campbell moved that the said communication lie on the table; which was carried.

Mr Moore, from the select committee to whom was referred the bill from the Senate entitled an act to fix the seat of justice in the county of Wilcox, reported the same with sundry amendments; which were severally concurred in and adopted. The bill was ordered to a third reading.

Mr Watkins, from the committee on education to which was referred the petition of Willis Banks and others on the subject of University lands, &c., reported unfavorably to the prayer of the petitioners, and ask leave to be discharged from the further consideration of the same; which was granted.

Mr Toulmin, from the select committee to which was referred the bill entitled an act to incorporate the Tennessee and Alabama Railroad Company, reported the same with sundry amendments. Mr Herbert moved to amend the amendment: after the words *Blount county*, in the first section, insert "Gilbert Shearer, William Johnson, James Douglass, Joseph Pickens, Hugh Ferguson, George Phillips, Benjamin L. Saunders, Philip I. Weaver, John A. Tarver, John Tipton, Francis Ford, John H. Miller, Matthew M'Laughlin, James M. Calhoun, John J. Crocheron, Uriah G. Mitchell, Jesse Beene, William Taylor, S. J. Sorell, of Dallas county;" which was adopted. Mr Baker offered the following amendment: after the words *Dallas county*, insert the following: "John W. Freeman, William Sayre, John Gindrat, Chas. T. Pollard, Daniel Carpenter, John Martin, Abner M'Gehee, Wm. Taylor, Thomas Cowles, William M'LeMore, of Montgomery county;" which was adopted. Mr Brodnax moved the following amendment: after the words *Montgomery county*, insert the following: "John A. Elmore, Boling Hall, Lewis Tyus, Eli Terry, of Autauga county;" which was adopted. Mr Moffett offered the following amendment: after the words *Benjamin Dorman*, insert "John C. Pharis, Frederick Peck and George Hays;" which was adopted. Mr M'Affee moved the following amendment: after the words *Autauga county*, insert "A. Sloan, John H. Garrett and Abraham Green, of St Clair county;" which was adopted. Mr Swink moved the following amendment: after the words *St Clair county*, insert the following: "James Turk, C. B. Hudson, George Caperton, Andrew Moore, Matthew Allen, David Larkins, G. W. Higgins, of Jackson county;" which was adopted. The amendment as amended was adopted. All the other amendments were severally concurred in. Mr Baker moved to amend the bill by adding thereto an additional section No. 20; which was adopted. Mr Tarrant moved to amend the bill by adding thereto section No. 21; which was adopted. The bill as amended, was ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill which originated in the House of Representatives entitled an act authorizing the judge of the county court of Montgomery county, to grant permission to Robert J. Ware and others, to make titles to certain lands therein named. The Senate have passed a bill entitled an act to reduce the rates of wharfage in the town of Montgomery; and a joint me-

memorial to the Congress of the United States in relation to the public lands; in which they ask the concurrence of the House of Representatives.

The bill and joint memorial from the Senate of the following titles, to wit: An act to reduce the rates of the wharfage in the town of Montgomery; and joint memorial to the Congress of the United States in relation to the public lands; were severally read and ordered to a second reading.

Mr Hubbard made the following report: The committee on roads, bridges and ferries to whom was referred the bill entitled an act for the relief of William T. Rounsivalle have had the same under consideration, and instructed me to report that the committee have had satisfactory evidence that the petitioner Rounsivalle, is the owner of the land upon which Mason's ferry, on Dog river, was established before Rounsivalle became the purchaser from the United States. That the petitioner applied to the commissioners court of Mobile county for the establishment of said ferry, and showed to the court his certificate of purchase, and offered to prove verbally, that the certificate of purchase included the ferry; the court refused to establish the ferry. The certificate of purchase, and a survey has been furnished this committee, showing fully that the petitioner does own the land on both sides of Dog river, including the ferry; but a majority of the committee are of opinion that it is inexpedient to legislate upon this subject, believing it to belong properly to the county court of Mobile county.

The hour of 12 o'clock having arrived, Mr Erwin moved that the orders of the day be suspended for the purpose of going into the consideration of the following bills: An act for the relief of William T. Rounsivalle; an act to authorize the establishment of a road from Florence to the Tennessee line; an act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix of Eber M. Bolles, dec. to sell real estate; and an act to incorporate the South Florence railroad company. The question recurred on the bill entitled an act for the relief of William T. Rounsivalle. Mr Hubbard moved to amend it by inserting the words *as may from time to time be*, after the word *now*, in the second line; which was adopted. The bill was ordered to a third reading.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill entitled an act to change the time of holding the county courts of Madison county; in which they desire the concurrence of the House of Representatives.

The bill from the Senate entitled an act to change the time of holding the county courts of Madison county, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr M'Kinley moved to amend it by adding thereto an additional section; which was adopted, and the rule being further dispensed with, the bill was then read the third time and passed. Mr M'Kinley moved to amend the title of the bill by striking out the word *county*, to insert the words *and Lauderdale counties*; which was adopted. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Governor by James I. Thornton, which is as follows: Mr Speaker—The Governor did on the 5th inst. approve and sign the following bills: An act for the support of paupers in certain counties therein named; an act for the relief of certain occupants of lands in the counties therein named; an act to amend the several acts in relation to the compensation of the petit jurors in the county of St Clair; an act for the relief of the Limestone Guards; an act to establish a road therein mentioned; an

act to authorize the commissioners courts of the counties of Franklin and Lawrence, to build a bridge across Town creek; an act to authorize the administrators of the estate of James Ringstaff, dec. late of Lowndes county, to make title to a certain tract of land therein named; an act to extend the corporation of the town of Athens, in Limestone county; an act to change the name of a certain person therein named; an act to authorize Enoch H. M'Natt to change a part of the State road leading from Tuscaloosa to Bainbridge; an act to authorize the commissioners of revenue and roads of Baldwin county, to levy a tax for the purpose of building a jail in said county; an act to amend an act entitled an act for the better regulation of judicial proceedings, passed the 7th February, 1818, and for other purposes; an act to establish certain ferries therein specified; and an act to repeal in part and to amend an act entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, approved December 29, 1829; all of which originated in the House of Representatives.

Mr M'Kinley called up the bill to authorize the establishment of a road from Florence to the Tennessee line. Mr M'Kinley moved to amend the bill by striking out all after the enacting clause, and substitute another in lieu thereof; which was adopted. The bill as amended was ordered to be engrossed for a third reading.

Mr Herbert called up the bill entitled an act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix of Eber M. Bolles, dec. to sell real estate. It was ordered to be engrossed for a third reading.

Mr Hubbard called up the bill from the Senate entitled an act to incorporate the South Florence railroad company. Mr Hubbard moved that the bill be indefinitely postponed.

Mr Dellet moved that the House adjourn until 3 o'clock this evening; which was lost. Mr M'Kinley moved that the House adjourn until Monday morning 10 o'clock; which was lost. The question recurred on Mr Hubbard's motion and carried. Yeas 37—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Baker Brodnax Campbell Carroll Cook Drish Fontaine Foster Gilbreath Govne Harris Herbert Hickman Hollis Hubbard Kilpatrick King of P. Loyd M'Rea Moore Musgrove Nabors Norwood Paul Philpot Rather Ross Rugely Skackleford Swink Stephens Toulmin Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Acklen Boyd Craig Dellet Erwin Faulk Hall of B. Johnston Lane Lockhart M'Collum M'Kinley M'Vay Moffett Oliver of c. Oliver of m. Peete Riddle Saunders of D. Saunders of L. Snedcor Tarrant and Walker.

Mr Acklen moved that the House adjourn until Monday morning at 10 o'clock; which was lost. Yeas 23—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Cook Craig Dellet Drish Faulk Foster Gilbreath Hall of B. Herbert Kilpatrick Lane Oliver of c. Oliver of m. Paul Payne Riddle Rugely Shackelford Snedcor and Watkins.

Those who voted in the negative are, messrs Abernathy Boyd Brodnax Campbell Carroll Erwin Fontaine Govne Harris Hickman Hollis Hubbard Johnston King of P. Lockhart Loyd M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Peete Philpot Rather Ross Saunders of D. Saunders of L. Swink Stephens Tarrant Toulmin Walker Ward and Wilkinson.

The bill from the Senate, entitled an act to incorporate the Tuscumbia, Courtland and Decatur Railroad Company, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Wilkinson moved that the House adjourn until Monday morning at 10 o'clock; which was lost. Yeas 20—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Brodnax Cook Dellet Gilbreath Harris Johnson Lane M'Kinley M'Vay Oliver of C. Paul Payne Pecte Rugely Shackelford Snedcor Stephens Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Baker Boyd Campbell Carroll Drish Erwin Faulk Fontaine Foster Goyne Hall of B. Herbert Hickman Hollis Hubbard Kilpatrick King of P. Lockhart Loyd M'Collum M'Rea Moffett Moore Musgrove Nabers Norwood Philpot Rather Riddle Ross Saunders of D. Saunders of L. Swink Tarrant Toulmin Walker and Ward.

Mr Hollis called up from the orders of the day the bill entitled an act defining the extent of Wm. H. Ragsdale's turnpike privileges, and providing suitable penalties for the abuse thereof. The bill was read a second time. Mr Payne moved that it be referred to the judiciary committee; which was carried. Yeas 27—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Boyd Campbell Craig Erwin Foster Goyne Hall of B. Johnston Lockhart M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabers Norwood Payne Rather Riddle Tarrant Toulmin Ward and Wilkinson.

Those who voted in the negative are, messrs Augustus Baker Brodnax Cook Drish Faulk Fontaine Gilbreath Harris Hickman Hollis Kilpatrick King of P. Loyd M'Collum Oliver of C. Paul Pecte Ross Rugely Saunders of D. Swink Snedcor and Walker.

Mr Johnston moved that the House adjourn until Monday morning at 10 o'clock; which was lost. Year 24—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Campbell Dellet Gilbreath Goyne Hall of B. Harris Hickman Hollis Johnston King of P. Lockhart M'Collum M'Kinley Moore Oliver of C. Paul Payne Pecte Philpot Saunders of D. Swink and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Brodnax Carroll Cook Craig Drish Erwin Faulk Farrar Fontaine Foster Hubbard Kilpatrick Loyd M'Vay Moffett Musgrove Nabers Norwood Rather Riddle Ross Snedcor Tarrant Toulmin Walker and Ward.

The House then adjourned to forty-five minutes after 9 o'clock on Monday morning next.

Monday, January 9, 1832.—The House met pursuant to adjournment.

Mr Swink presented the petition of sundry citizens of the village of Larkinsville, in the county of Jackson, praying that the town may be incorporated; which was read and referred to the representation of said county.

Mr Fontaine presented the account of Charles Lewen; which was read and referred to the committee on accounts.

Mr Campbell, from the committee on propositions and grievances to which was referred the petition of Tarlton Eubanks and others, reported that the claim therein mentioned is not properly chargeable to the State, and beg leave to be discharged from the further consideration of the same; which was granted.

Mr Riddle made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act to provide for the support of paupers in the county of Franklin; an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; an act to incorporate the Florence Bridge Company; an act to authorize William B. Norris to erect a mill on Cahawba river: all of which were signed by mr Speaker.

Mr Philpot presented the account of William J. Gilbert; which was read and referred to the committee on propositions and grievances.

A message was received from the Senate by mr Conner: Mr Speaker—The Senate concur in the amendments of the House of Representatives to the bills entitled, an act to change the time of holding the county courts of Madison county; an act to provide for the drawing an additional number of jurors, and for compensating tales jurors in the county of Perry; an act for releasing

and granting to Mary Sebler certain real estate escheated to the State of Alabama; an act to authorize Thomas M'Daniel to collect toll on a bridge across Conecuh river. The Senate disagree to the amendment made by the House of Representatives to the bill from the Senate entitled an act to authorize Jesse During and Philip Brothers to turnpike a road therein mentioned. The Senate have passed bills of the following titles, to wit: an act to authorize the inhabitants of township no. 7, and range no. 6, in Lawrence county, to sell and dispose of a part of their 16th section in town lots; an act to incorporate a volunteer company under the name and style of the Coosa Cavalry Company; an act for the relief of George H. Flourney, judge of the county court of Pickens county; and an act to authorize a legion of volunteers for the city and county of Mobile: in all of which they ask the concurrence of the House of Representatives.

Mr Carroll offered the following preamble and resolution:

Whereas, the eighth of January, a day which ought to be held in veneration by every good and patriotic citizen of these United States as an era closely entwined with our federal glory, chanced to fall on Sunday; and for the purpose of celebrating the annual return of this glorious anniversary, and paying a proper respect to the Hero, and his illustrious compatriots in arms, who, under the hands of an all-wise Providence, was mainly instrumental in achieving the wonderful victory of New-Orleans on the 8th day of January, 1815—

Be it therefore resolved, that the door-keeper and messenger be required to take proper measures to have the Capitol handsomely illuminated on this evening.

Which was adopted. Yeas 57—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Campbell Carroll Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Gayne Harris Hays Herbert Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Nabors Norwood Oliver of C. Oliver of M. Payne Paul Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Stephens Toulmin Walker Watkins and Wilkinson.

Those who voted in the negative are, messrs Peete Shackelford Swink and Snedcor.

Ordered, that the House recede from their amendment to the bill from the Senate entitled an act to authorize Jesse During and Philip Brothers to turnpike a road therein mentioned.

The bill entitled an act authorizing the inhabitants of township no. 7, and range no. 6, in Lawrence county, to sell and dispose of part of their sixteenth section in town lots, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, viz: an act to incorporate a volunteer company under the name and style of the Coosa Cavalry; an act for the relief of George H. Flourney, judge of the county court of Pickens county; and an act to organize a legion of volunteers for the city and county of Mobile, were severally read and ordered to a second reading.

On motion of Mr M'Kinley: *Resolved*, that with the concurrence of the Senate, the two Houses of the General Assembly will meet in the Representative Hall on Tuesday the 10th inst. at half past 6 o'clock, P. M. and proceed to the election of five canal commissioners.

Mr Cook made the following report: The select committee to whom was referred the memorial of Vining Howard, late sheriff of Covington county, praying the removal of John W. Devereux from the office of judge of the county court of said county, for certain alleged abuses of his official trust and power, as specified in said memorial, have according to order, had the

same under consideration, and have instructed me to report, that being first satisfied that the charges were of a character which demanded investigation, your committee proceed to give notice, and to call the parties before them, and to collect and embody at the instance of the parties, all the testimony which was deemed important, and relevant to the issue; all which, according to instruction, I herewith submit to the consideration of the House; meanwhile the said committee having formed an opinion upon the charges and proof, have instructed me to recommend to the House the adoption of the following resolutions, viz: *Resolved*, that John W. Devereux, judge of the county court of Covington county, is not convicted by proof, of the oppression, fraud, or corruption alleged against him, in the memorial of Vining Howard, late sheriff of said county. *Resolved further*, that the proof submitted upon said charges, does not authorize this House by address, to recommend his Excellency the Governor to remove said judge from office.

Mr Cook then moved that the further consideration of the report be postponed until to-morrow at 3 o'clock, p. m.; which was carried.

Mr Wilkinson introduced a bill to be entitled an act for the relief of Memorable W. Creagh; which was read and ordered to a second reading.

On motion of mr Acklen: *Ordered*, that mr King of M. have leave of absence from this House until to-morrow.

Mr Erwin made the following report: The committee of conference to which was referred the bill entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, have had the same under consideration, and recommend to the Senate to recede from their amendment to the bill, and recommend the following amendment to the bill passed by the House of Representatives, by way of engrossed ryder in the second section in the sixth line, after the words "strike the," insert the words "Sipsey river, thence down the centre of said river to the;" in which they ask the concurrence of the House of Representatives: in which amendments the House concurred. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Boyd offered the following resolution: *Resolved*, that this House will amend the standing rule of this House heretofore adopted so as to add Thursday in each week to the days set apart for the consideration of bills and resolutions of a local character; which lies over one day.

Mr Herbert called up the resolution from the Senate, proposing to adjourn *sine die* on the 14th inst. Mr Herbert moved to amend the resolution by striking out the "14th" and "next," to insert the "21st instant." Mr M'Kinley moved to postpone the further consideration of the resolution until Friday next; which was lost. Yeas 29—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Augustus Brodnax Campbell Carrall Drish Erwin Faulk Fontaine Foster Gilbreath Goyne Harris Hays Hickman Kilpatrick Loyd M'Affee M'Cellum M'Kinley M'Vay Nabors Payne Peete Philpot Shearer Swink Smedcor and Stephens.

Those who voted in the negative are, messrs Abernathy Acklen Baker Boyd Cook Craig Dellet Farrar Hall of A. Hall of B. Herbert Hollis Hubbard Johnston Keener King of P. Lane Lockhart M'Rea Moffett Moore Norwood Oliver of C. Oliver of M. Paul Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Tarrant Toulmin Walker Ward Watkins and Wilkinson.

The question recurred on mr Mr Herbert's motion, and carried. Yeas 47—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Acklen Baker Boyd Brodnax Campbell Cook Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of B. Harris Herbert Hubbard Johnston Kilpatrick King of e. Lane Lockhart M'Rea Moore Norwood Oliver of m. Paul Payne

Peete Philpot Rather Riddle Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Toulmin Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Carroll Craig Gilbreath Hall of A. Hays Hickman Hollis Keener Loyd M'Afee M'Collum M'Kinley M'Vay Moffett Nabors Oliver of C. Ross Tarrant and Walker.

The question was on the adoption of the resolution as amended, and carried. Yeas 56—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Acklen Baker Boyd Brodnax Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goynes Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Kilpatrick King of P. Lane Lockhart M'Rea Moffett Moore Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Tarrant Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Augustus Carroll Gilbreath Keener Loyd M'Afee M'Collum M'Kinley and M'Vay.

Ordered, that the clerk acquaint the Senate therewith.

The hour of 12 o'clock having arrived, Mr Riddle moved that the orders of the day be suspended for the present; which was carried.

Mr Riddle, who voted in the majority on ordering the bill from the Senate entitled an act for the relief of George H. Flournoy, judge of the county court of Pickens county, to a second reading, moved to reconsider the vote; which was carried; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was then read a third time forthwith and passed.—

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to incorporate the planters wharf and steamboat company in the town of Montgomery; an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Coosa river; an act amendatory of an act entitled an act to incorporate the school commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes; an act for the relief of Winifred Jemison, wife of John Jemison; and an act to authorize Moses and Aaron Packer to establish a ferry across the Chatahoocchie river; which were severally signed by Mr Speaker.

Mr Baker moved to suspend the rules of the House, for the purpose of taking into consideration the bill for the relief of William S. Hays; which was carried. Yeas 58—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Drish Erwin Faulk Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Herbert Hollis Hubbard Johnston Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Swink Snedcor Stephens Tarrant Walker Ward and Watkins.

Those who voted in the negative are, messrs Fontaine and Wilkinson.

The bill was read a second time. Mr Herbert moved to amend the 1st section of the bill with the following proviso: *Provided* said commissioners shall not reduce the price of said land below eight dollars; which was adopted. The bill was considered as engrossed; and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Herbert moved to spread on the journals of this House the memorial

of William S. Hayes, upon which the foregoing bill was founded ; which was carried. The said memorial is in the words and figures following : viz.

To the Hon. the Senate and House of Representatives of the State of Alabama in General Assembly convened : The memorial of William S. Hayes, a citizen of Monroe county, respectfully sheweth—

That on the 5th day of March, in the year 1827, your memorialist, together with one William M. Nicholson, purchased of the trustees of the University, a certain tract of land situate in the said county of Monroe, being fractional section no. 25, in township 7, of range 5, containing 305 acres, at twelve dollars per acre ; and that since the period of said purchase, your memorialist has become the owner of said fraction—That the trustees of the said University, before the time appointed for the sale of said land, appointed John W. Moore and James H. Draughan as commissioners to appraise and value it, together with other lands situated in the same vicinity—That said commissioners valued the said tract of land at \$12 per acre ; and that valuation was assessed under and for the following reasons, as will fully appear by their certificate, a copy of which is herewith annexed. A valuable ferry had for many years been attached to the said tract of land. It had always been usual to rent it annually ; the person renting was as invariably put in possession of the ferry as the land. Other lands adjoining the tract, of the same quality, and equally valuable for all agricultural purposes, were valued and sold at \$8 per acre ; and the higher valuation was placed upon the tract purchased by your memorialist, solely and entirely on account of the ferry attached to it—Your memorialist further represents, that he believes this circumstance did render the said land more valuable, and to the extent stated by said commissioners—Your memorialist states, that not doubting his clear right to the said ferry, supposed that no attempt would be made to disturb it ; but was soon convinced of his error, by being informed of the fact that the judge of the county court had granted the said ferry to another person, contrary to all the information he had on the subject, which was full and complete, and to the plainest dictates of *honor and honesty*—That your memorialist has resorted to all the means known to the law to obtain possession of said ferry : and whether from professional cunning or judicial obliquity, or any other cause, he is unable to determine ; but so it is, it has all resulted in his being forever enjoined from keeping said ferry, your memorialist further states, that he has put and made valuable improvements on said land—He prays your honorable body to pass a law relieving him from the payment of the \$4 per acre, at which the land was valued on account of the said ferry ; and your memorialist as in duty bound will ever pray, &c. Signed, WM. S. HAYES.

Township No. 7, Range No. 5, east of the basis meridian, fraction west of Section No. 25, contains 305 acres. On this fraction there is about 120 acres of good bottom land, of which there is 30 to 40 acres river ridge of the best quality. The balance of the fraction is low back swamp of little value ; a great portion of the tillable land on the fraction has been cleared, but has lain out for the last two or three years. On this fraction is a public ferry, where the St. Stephens road and State road crosses the river. It is the opinion of the commissioners that the land should not be classed more than third ; but in consideration of its locality, and the advantage of the ferry, they are induced to class it second.

I certify, That the foregoing is a true copy taken from the report of the commissioners appointed to value and class the University lands.

Dec. 7, 1831.

CON. PERKINS, *Agent.*

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to class and fix the price of University lands forfeited for the non-payment of the purchase money, and for other purposes. The question was on the passage of the bill ; and the question being put, shall this bill pass ? it was determined in the negative. Yeas 26—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Campbell Craig Erwin Faulk Harris Hays Hubbard Johnston Keener M'Kinley M'Rea M'Vay Moffett Oliver of c. Payne Philpott Rather Riddle Ross Rugely Saunders of L. Shearer Ward Watkins.

Those who voted in the negative are, messrs Speaker Acklen Augustus Boyd Carroll Dellet Drish Farrar Fontaine Foster Gilbreath Goyne Herbert Hickman Hollis Kilpatrick King of p. Lane Lockhart Loyd M'Afee M'Collum Moore Musgrove Nabors Norwood Oliver of M. Paul Peete Saunders of D. Shackleford Snedcor Tarrant Terrell Walker and Wilkinsen.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, January 10, 1832.—The House met pursuant to adjournment.

Mr Rather moved a call of the House, when the following members answered to their names, viz: Messrs Speaker, Acklen; Carroll, Cook, Craig, Erwin, Faulk, Fontaine, Foster, Goodwin, Goyne, Herbert, Hickman, Johnston, Keener, Kilpatrick, King of P. Loyd, M'Collum, M'Vay, Moore, Musgrove, Nabors, Norwood, Oliver of M. Peete, Philpott, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackleford, Swink, Stephens, Tarrant, Terrell, Walker, Ward and Watkins.

On motion of mr Erwin: *Resolved*, that the judiciary committee be required to examine into the expediency of providing by law for the payment of witnesses summoned on the part of the State, in criminal cases, out of the State Treasury, with leave to report by bill or otherwise.

Mr Rather offered the following resolution: *Resolved by the House of Representatives*, that the Senate be informed that the members of this House will assemble at the hour of half past six o'clock this evening, in their individual capacity in the Representative Hall, for the purpose of nominating electors of President and Vice-President of the United States, at which time and place the members of the Senate in the same capacity, are respectfully invited to attend.

Mr M'Kinley moved that the further consideration of the resolution be indefinitely postponed; which was lost. Yeas 24—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Boyd Campbell Erwin Faulk Gilbreath Goyne Hall of A. Hays Kilpatrick Lockhart M'Afee M'Kinley M'Vay Moffett Norwood Oliver of C. Payne Riddle Saunders of L. Shearer Snedcor Stephens and Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Brodnax Carroll Cook Craig Dellet Drish Farrar Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener King of P. Lane Loyd M'Collum M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Shackleford Swink Toulmin Walker Ward and Wilkinson.

Mr Brodnax then moved the previous question; the question was, Shall the main question be now put? which passed in the affirmative, and the main question was then put, viz: Shall this resolution be adopted? and determined in the affirmative. Yeas 41—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Baker Brodnax Carroll Cook Craig Dellet Drish Farrar Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener King of P. Lane Loyd M'Collum M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Shackleford Swink Toulmin Ward Walker and Wilkinson.

Those who voted in the negative are, messrs Augustus Boyd Erwin Faulk Gilbreath Goyne Hall of A. Hays Kilpatrick Lockhart M'Afee M'Kinley M'Vay Moffett Norwood Oliver of C. Payne Riddle Saunders of L. Shearer Snedcor Stephens and Watkins.

A message was received from the Senate by mr Conner: Mr Speaker—The Senate have read three several times and passed bills from the House of Representatives of the following titles, to wit: An act to extend the jurisdiction of the State of Alabama, over the territory according to the geographical boundaries within the limits of said State, and for other purposes, which they have amended as set forth in the bill; an act to compensate the commissioners of revenue and roads of the counties therein named, which they have amended as set forth in the bill; in which they ask the concurrence of the House of Representatives. They have also passed bills of the following titles, to wit: An act to regulate the rates of wharfage in the city of Mobile; an act to authorize Fanny Lister, administratrix of Moses Lister, dec. to sell and convey certain real estate therein named; an act for the relief of the tax-

collector of Walker county; in all of which they ask the concurrence of the House of Representatives.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of said State and for other purposes. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act to compensate the commissioners of revenue and roads of the counties therein named.

Bills from the Senate of the following titles, to wit: An act to regulate the rates of wharfage in the city of Mobile; and an act to authorize Fanny Lister, administratrix of Moses Lister, deceased, to sell and convey certain real estate therein named; were severally read a first time and ordered to a second reading. The bill from the Senate entitled an act for the relief of the tax-collector of Walker county, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Morton: Mr Speaker—The Senate concur in the resolution from the House of Representatives proposing to go into the election of five canal commissioners on Tuesday the 10th inst. at half past 6 o'clock, P. M. They do not concur in the amendments made by the committee of conference on the disagreement of the House to the amendment made by the Senate to the bill from the House of Representatives, entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens.

The engrossed bill entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, being on its third reading.

And the House adjourned until 3 o'clock this evening.

Evening session 3 o'clock.—The engrossed bill entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama, was read the third time, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 45—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Goodwin Hall of A. Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick Lane M'Collum M'Rae Moore Musgrove Nabors Oliver of M. Paul Peete Ross Saunders of D. Saunders of L. Shearer Swink Tarrant Toulmin Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Boyd Faulk Gilbreath Goynes Hays Hollis King of P. Lockhart M'Affee M'Kinley M'Vay Moffett Norwood Oliver of C. Philpot Rather Riddle Shackelford Snedecor Stephens and Walker.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of Mr Carroll: *Ordered*, that the members composing the military committee have leave of absence for the remainder of the evening.

The engrossed bill entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830, being under consideration, Mr Riddle moved that it be recommitted to the committee of conference heretofore appointed; which was carried.

Ordered, that the rule relative to bills on their third reading be suspended.

The House then proceeded to the consideration of the resolutions reported by the select committee appointed to investigate the official conduct of John W. Devereux, judge of the county court for Covington county, when mr Baker moved a call of the House, and the following members answered to their names, viz: Messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Loyd M'Afee M'Collum M'Rea M'Vay Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Peete Philpot Rather Ross Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr Speaker laid before the House a communication from Isaac H. Erwin; which was read and laid on the table.

Ordered, that the rule upon business on which a call of the House takes place, be suspended.

Ordered, that mr Erwin have leave of absence from this House for the evening.

And then the House adjourned until half past 6 o'clock this evening.

Evening session, half past 6 o'clock.—On motion of mr Baker: *Resolved*, that with the concurrence of the Senate the two Houses will proceed to the election of a judge of the county court for Monroe county, this evening at half past 6 o'clock.

On motion of mr Rather: *Resolved*, that the Senate be now informed that this House is now ready to receive them for the purpose of going into the election of five canal commissioners and a judge of the county court of Monroe county. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of five canal commissioners: John J. Ormond, Isaac Lane, Nicholas Davis, William J. Adair, Thomas Fearn, John Craig, Thomas Coopwood and John Southerland being in nomination.

Those who voted for mr Ormond are, messrs President, Anderson, Barclay, Conner, Edmondson, Erwin of G. Hogan, Lawler, M'Elderry, Smith, Vining. Reps. messrs Speaker, Abernathy, Acklen, Boyd, Campbell, Carroll, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Goyne, Hall of B. Hays, Hollis, Johnston, Keener, Kilpatrick, Lane, Lockhart, M'Afee, M'Collum, M'Kinley, M'Vay, M'Rea, Moffett, Nabors, Norwood, Oliver of C. Payne, Paul, Peete, Philpot, Rather, Riddle, Ross, Saunders of L. Shackelford, Snedcor, Stephens, Tarrant, Terrell, Walker, Ward, Watkins, Wilkinson.—59.

Those who voted for Mr Lane are, Messrs President, Anderson, Barclay, Conner, Dupuy, Edmondson, Erwin of G. Hogan, Lawler, M'Elderry, Morton, Powell, Smith, Vining and Walthall. Reps. Messrs Speaker, Abernathy, Acklen, Augustus, Baker, Boyd, Brodnax, Campbell, Carroll, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Goyne, Hall of B. Hays, Hollis, Herbert, Hickman, Hubbard, Johnston, Keener, Kilpatrick, King of P. Lane, Lockhart, M'Afee, M'Collum, M'Kinley, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of M. Paul, Peete, Philpot, Rather, Riddle, Ross, Rugely, Saunders of D. Saunders of L. Shackelford, Snedcor, Stephens, Tarrant, Terrell, Walker, Ward, Watkins and Wilkinson.

Those who voted for mr Davis are, messrs President Abercrombie Anderson Barclay Conner Dupuy Edmondson Erwin of G. Hogan Hemphill Irwin of H. Lawler M'Elderry Morton Powell Smith Vining Walthall. Reps. messrs Speaker Acklen Baker Boyd Brodnax Campbell Cook Craig Dellet Drish Fontaine Foster Gilbreath Goodwin Harris Herbert Hickman Johnston Keener King of P. Lane Lockhart Moore Nabors Norwood Oliver of C. Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of L. Tarrant Terrell Watkins Wilkinson.

Those who voted for Mr Adair are, messrs President, Abercrombie, Anderson, Barclay, Dupuy, Edmondson, Erwin of G. Hemphill, Hogan, Irwin of H. Lawler, M'Elderry, Morton, Powell, Smith, Vining. Reps. messrs Speaker, Acklen, Augustus, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Faulk, Farrar, Fontaine, Foster, Gilbreath, Goodwin, Hall of B. Herbert, Hickman, Hollis, Johnston, Kilpatrick, Lane, M'Afee, M'Collum, M'Kinley, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Payne, Peete, Philpott, Rather, Riddle, Ross, Saunders of D. Saunders of L. Shackleford, Snedcor, Stephens, Tarrant, Terrell, Toulman.

Those who voted for Mr Fearn are, messrs Conner. Reps.—Abernathy Acklen Augustus Boyd Brodnax Campbell Faulk Farrar Gilbreath Goodwin Goynes Hall of A. Harris Hays Herbert Hollis Hubbard Johnston Kilpatrick King of P. Lane Lockhart M'Afee M'Collum M'Kinley M'Vay Moffet Musgrove Nabors Norwood Oliver of M. Paul Payne Peete Riddle Saunders of D. Shackleford Snedcor Stephens Tarrant Toulmin Walker Ward Watkins Wilkinson.

Those who voted for Mr Craig are, messrs President Abercrombie Anderson Barclay Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Powell Vining Walthall. Reps. messrs Speaker Augustus Baker Brodnax Carroll Cook Craig Dillet Drish Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of B. Harris Hays Herbert Hickman Hubbard Keener King of P. Lockhart M'Afee M'Collum M'Kinley M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Snedcor Stephens Terrell Toulmin Walker Ward Wilkinson.

Those who voted for Mr Coopwood are, messrs Abercrombie Conner Dupuy Hemphill Irwin of H. Morton Powell Smith Walthall. Reps. Abernathy Augustus Baker Boyd Campbell Carroll Cook Faulk Goynes Harris Hays Hickman Hollis Hubbard Keener Kilpatrick King of P. M'Rea Moffet Moore Musgrove Oliver of M. Rugely Saunders of D. Shackleford Toulmin Walker Ward Watkins.

Those who voted for Mr Southland are, messrs Abercrombie Hemphill Irwin of H. Morton Walthall. Reps. Abernathy Baker Hubbard M'Rae Payne Rugely Toulmin

Mr Ormond, Mr Lane, Mr Davis, Mr Adair, and Mr Craig having received a majority of votes, Mr Speaker therefore declared them duly elected Tennessee Canal Commissioners. And then the Senate withdrew.

On motion of Mr M'Vay: *Ordered*, that the rule in relation to local business be suspended.

The House took into consideration the bill entitled an act to authorize John Wilkes, administrator of Philip Wilkes, deceased, to make titles to certain tracts of land therein specified; it was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to a certain tract of land therein specified, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of Mr Baker: *Resolved*, with the concurrence of the Senate, the two Houses will assemble in the Representative Hall to-morrow at 12 o'clock for the purpose of electing a judge of the county court of Monroe county.

And then the House adjourned until to-morrow morning at 10 o'clock.

Wednesday, Jan. 11, 1832.—The House met pursuant to adjournment.

Mr Norwood moved a call of the House, when the following members answered to their names, viz: Mr Speaker Boyd Brodnax Cook Craig Dellet Faulk Gilbreath Goodwin Johnson Keener Kilpatrick Lockhart Loyd M'Collum M'Vay Moore Musgrove Norwood Oliver of C. Peete Philpot Rather Riddle Ross Rugely Saunders of D. Shearer Swink Snedcor Stephens Tarrant Terrell Walker Ward and Watkins.

A quorum then assembled and the House proceeded to business.

A message was received from the Senate by Mr Conner: Mr Speaker. The Senate have passed bills of the following titles, viz: An act to authorize James Doran to emancipate certain slaves therein named; an act to establish a branch bank of the State of Alabama; an act to place so much of the State road leading from Cahawba to Huntsville as runs through the county of Shelby under the control of the court of commissioners of revenue and roads of said county; an act to establish and incorporate the town of Trenton, in Tuscaloosa county; an act to explain more fully a part of the county line between the counties of Bibb and Shelby; an act to provide for the summoning a jury to attend the county court of Marengo county; an act concerning the registration of deeds of conveyances; an act for the relief of Sarah A. Baker; an act to authorize and provide for the liquidation of the amounts of Hiram P. Cochrane; in all of which the Senate ask the concurrence of the House of Representatives. The Senate have passed bills from the House of Representatives of the following titles: An act to limit actions against the securities of officers; an act to amend an act to authorize the sales of sixteenth sections and for other purposes, passed 15th January, 1828; an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all the hands in one mile of the Huntsville road living in Bibb county to work on the said road; an act to discontinue and establish certain election precincts therein specified; each of which they have amended as shown in the respective acts, and in which they ask the concurrence of the House of Representatives. The Senate concur in the amendment made by the House of Representatives to their resolution proposing an adjournment of both Houses *sine die* on the 14th January next.

The bill from the Senate entitled an act to authorize James Doran to emancipate certain slaves therein named was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on emancipation. The bill from the Senate entitled an act to establish a branch bank of the State of Alabama was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time and referred to the committee on the State bank. Bills from the Senate of the following titles, viz: An act to place so much of the State road leading from Cahawba to Huntsville as runs through the county of Shelby under the control of the court of commissioners of revenue and roads of said county; an act to establish and incorporate the town of Trenton, in the county of Tuscaloosa; were severally read and ordered to a second reading. The bill from the Senate entitled an act to explain more fully a part of the county line between the counties of Bibb and Shelby, was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to a third reading. Bills from the Senate of the following titles, viz: An act to provide for the summoning of a jury to attend the county court of the county of Marengo; an act for the relief of Sarah A. Baker; an act to provide for the liquidation of the claim of Hiram P. Cochrane; were severally read a first time, and the rule requiring bills to be read on three several days being dispensed with, they were read a second time forthwith, and the rule being further dispensed with, they were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith. The bill from the Senate entitled an act concerning the registration of deeds and con-

veyances, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee. *Ordered*, that the House concur in the amendment made by the Senate to the bill entitled an act to limit actions against securities of officers. *Ordered*, that the House concur in the several amendments made by the Senate to the bill entitled an act to amend an act to authorize the sales of sixteenth sections and for other purposes, passed January the 15th, 1828.

Mr Goodwin moved that the House disagree to the amendments made by the Senate to the bill entitled an act to authorize the judge of the county court of Tuscaloosa county, and commissioners of revenue and roads to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road; which was carried. Yeas 57—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cock Craig Faulk Farrar Gilbreath Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay M'flett Moore Musgrove Nabors Norwood Paul Peete Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Tarrant Toulmin Walker Ward and Watkins.

Those who voted in the negative are, messrs Drish Fontaine Foster Terrell and Wilkinson.

The engrossed bill to discontinue and establish certain election precincts therein specified, the amendments of the Senate to said bill being under consideration, mr Toulmin moved to amend the amendment by striking out these words, "one at the house of Henry Miller, on the Pascagola road;" which was carried. Mr Fontaine moved to amend the 9th section of the bill by striking out these words, "that an additional election precinct for Tuscaloosa county shall be and the same is hereby established at the house of William Moore, on the west side of Sipsey river and; which was carried. The amendments as amended were concurred in.

MR SHEARER'S PROTEST.

The undersigned having voted on yesterday in the minority on the adoption of the resolution inviting the Senate to meet in the Hall of the House of Representatives, at half after six o'clock, on the 10th of January, for the purpose of nominating electors of President and Vice-President, avails himself of his constitutional privilege of spreading on the Journal his explanation. He did not doubt the right to pass the resolution in question; he was however, desirous at the time, to avoid every measure calculated to destroy that harmony which should exist in this State in relation to the Presidential election, and was fearful the adoption of the resolution would produce a schism injurious to the Jackson party in this State. Reflection, however, has since convinced him that he was in error, and that the resolution should have been adopted. He believes the nomination should have been made by the members of the Legislature, and he does not wish to be considered as opposing that portion of the Legislature who have adopted that course.

THO'S. SHEARER.

Mr Harris presented the petition of sundry citizens of Washington county, praying a charter for a Bank to be located in Mobile, to be called the Planters' Bank of Mobile; which was read and referred to the committee on the State Bank.

Mr Acklen presented the account of Charles Hall, of Baldwin county; which was read and referred to the committee on accounts.

Mr Toulmin presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to prevent frauds in the package of cotton; which was read and referred to the judiciary committee to consider and report thereon.

Mr Musgrove presented the petition of sundry inhabitants of Blount county, praying to discontinue and establish a certain election precinct therein

named; which was read and referred to a select committee, to consist of Messrs Musgrove, Shearer, and Broadnax.

Mr Lane, from the committee on accounts to whom was referred the accounts of Jesse C. Farrar, sheriff of Monroe county, reported the same as not sufficiently authenticated, and ask leave to be discharged from the further consideration of the same. *Ordered*, that said report do lie on the table.

The same committee to whom was referred the account of Dabney Edwards, reported the same improperly referred, and ask leave to be discharged from the further consideration of the same. *Ordered*, that said report do lie on the table.

Mr Baker, from the select committee to which was referred the petition of the Montgomery Hazzars, reported a bill to be entitled an act to incorporate the Montgomery Huzzars; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was considered as engrossed, read the third time forthwith, and passed. Yeas 49—Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Boyd Brodnax Carroll Dellet Drish Erwin Fontaine Fester Gilbreath Goodwin Hall of A. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Loyd M'Afee M'Rea M'Vay Moore Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Ross Saunders of L. Shackleford Shearer Swink Terrell Walker and Wilkinson.

Those who voted in the negative are, messrs Farrar Lockhart M'Collum M'Kinley Musgrove Philpot Riddle and Snedecor.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Baker made the following report: The select committee to which was referred various resolutions from the different States, have instructed me to report—That the subjects are of a very momentous character, and would require much investigation by the House. From the advanced stage of the session, they believe it would be impolitic now to undertake the investigation, and recommend that the further consideration of the same be laid over for this session; in which report the House concurred.

Mr Oliver of M. from the select committee to whom was referred a resolution inquiring into the expediency of establishing an agency for the removal of free persons of color from this State to Liberia, and the petition of sundry citizens of Dallas county on the same subject, reported a bill for the removal of free persons of color, and for other purposes; which was read a first time. It was made the special order of the day for a second reading on to-morrow. Yeas 41—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Fontaine Foster Goodwin Herbert Hickman Hubbard Keener Lane Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Rugely Saunders of D. Shearer Swink Tarrant Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Farrar Gilbreath Goyne Hall of A. Hollis Johnston Kilpatrick King of P. Loyd M'Collum M'Kinley M'Rea M'Vay Moffett Norwood Riddle Ross Saunders of L. Shackleford Snedecor Stephens Walker and Ward.

Mr Swink, from the select committee to which was referred the petition of sundry citizens of Larkinsville, Jackson county, reported a bill to incorporate the town of Larkinsville in Jackson county; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Keener moved to amend the bill by

adding an additional section thereto, which was adopted. The bill was ordered to be engrossed for a third reading.

On motion of Mr Erwin: *Resolved*, that the judiciary committee be required to examine into the expediency of providing by law for the payment of the fees of solicitors in criminal cases where the defendants prove to be insolvent, with leave to report by bill or otherwise.

The hour of 12 o'clock having arrived, the orders of the day were suspended for the present.

The House proceeded to the consideration of mr Boyd's resolution introduced on the 9th instant. The question was on the adoption of the resolution, and carried. Yeas 37—Nays 30.

The yeas and nays being desired those who voted in the affirmative are, Messrs Abernathy Acklen Augustus Baker Boyd Campbell Cook Craig Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goynes Hall of A. Hall of B. Hollis Hubbard Kipatruck King of P. M'Affee M'Collum M'Vay Moore Musgrove Nabors Norwood Ross Saunders of D. Shackleford Shearer Swink Terrell Ward Wilkinson.

Those who voted in the negative are, Messrs Speaker Brodnax Carroll Dellet Harris Herbert Hickman Johnston Keener Lane Loyd M'Kinley M'Rae Moffett Oliver of C. Oliver of M. Paul Payne Peete Philpat Rather Riddle Rugely Saunders of L. Snedcor Stephens Tarrant Toulmin and Watkins.

MR M'AFEE'S PROTEST.

Reasons for voting in the minority on a resolution introduced by mr Rather on yesterday.

1. I believe it to be a subject that did not properly come within the sphere of our legislative power.

2. If it did come within the power of this Legislature, I believe it to be, and yet think it impolitic to legislate on the same.

3. I attended a Jackson Meeting on the evening of the 9th inst. I also attended the Jackson meeting on the evening of the 10th inst. to which the resolution of mr Rather had particular reference, because I believed the objects of both meetings were precisely the same, both having in view (as I believed) the promotion of Andrew Jackson as chief magistrate of the United States for the next term of four years and such other person as Vice-President (being purely republican) as would combine the greatest proportion of strength in promoting the said President's election.

4. I voted against said resolution, because I believed that it would have been more proper to have given notice of the intended Jackson meeting in a manner different to a notice given by a resolution of this House, as said meeting was designed to be a private one, and not a meeting in our legislative capacity. G. T. M'AFEE.

The House resumed the consideration of the resolutions reported by the select committee appointed to investigate the official conduct of John W. Devereux, judge of the county court of Covington county. Mr Fontaine moved to amend the resolutions by striking out all after the word *Resolved*, with the view to insert the following: "by the Senate and House of Representatives of the State of Alabama in General Assembly convened, two-thirds of each branch of the Legislature concurring herein, that his excellency John Gayle, Governor of the State of Alabama, be, and he is hereby requested and addressed to remove John W. Devereux, judge of the county court of Covington county, from exercising the duties and privileges of judge of the county court of Covington county, for the causes following, that is to say—that the said John W. Devereux did, on the 10th day of September last, in the vacation of the county court of said county of Covington, illegally, oppressively, and in bad faith, require Vining Howard, then sheriff of said county, to make an annual renewal of his bond of office; that the said Devereux did, oppressively, raise the amount of said sheriff's bond from 4 to \$8,000, without any necessity therefor; that the said John W. Devereux did, wilfully, oppressively, and in bad faith, neglect to specify in the notice given to the sheriff to renew his bond, any time or place, when and where the said sheriff would appear with his securities to renew his bond; that the said J. W. Devereux acted

illegally and oppressively in not postponing, after having agreed so to do, the renewal of the bond of the sheriff until the fall circuit court of Covington county; that the said J. W. Devereux did, illegally, oppressively, and in bad faith, dictate to the said sheriff the number of securities by him to be given, and restrict the said sheriff in the selection of his securities to seven men, some of whom were the personal enemies of the sheriff, others of them having declared they would not become securities, and all, save one, absent from the place of taking the bond, and in declaring to the said sheriff he would accept no other securities except the seven persons, or some two of them, so by him dictated to the sheriff; that the said J. W. Devereux acted illegally, oppressively, and in bad faith, in failing and refusing to accept the securities offered by the said sheriff on the 17th of September last, when the same were known and acknowledged by the said J. W. Devereux to be sufficient security for the penalty of the bond; and because it appears that the office of sheriff of Covington county was vacated by the said J. W. Devereux, under the influence of a wilful design to injure, harrass and oppress the said sheriff Vining Howard, in direct violation and disregard of the rights of said Howard, and of the official duties of the said John W. Devereux, judge of the said county court of Covington county." A division of the question being called for, the vote was first taken on striking out, and lost. The question was then on the adoption of the resolution reported by the committee, and carried.

Mr ERWIN'S PROTEST.—Isaac H. Erwin, a member of the House of Representatives from the county of Mobile, having voted in the minority on a resolution introduced by Mr Rather, a member from the county of Morgan, on the 10th inst. which resolution is as follows: "*Resolved by the House of Representatives*, that the Senate be informed that the members of this House will assemble at the hour of half past six o'clock this evening, in their individual capacity, in the Representative Hall, for the purpose of nominating Electors of President and Vice-President of the United States, at which time and place the Senators in the same capacity, are respectfully invited to attend,"—begs leave to enter his protest against the passage of said resolution, and assigns as his reasons for the same, the following: 1. He believing it does not appertain to his duties as a representative of the people, to legislate on the subject matter of said resolution. 2. He is further under the belief that if it be a matter for legislation, the resolution should have been joint in its nature and tendency; and believing this to be the case, he moved an amendment to the same, so as to make it a joint resolution of both Houses, but was precluded from the same by a call of the previous question. 3. He further states that he acknowledges the right of the people to instruct their representatives in all matters with which they are entrusted. And believing himself to have been instructed and required by a majority of the people whom he has the pleasure in part to represent, to appear at a meeting called by the friends of Andrew Jackson, whenever and wherever said meeting should take place, he did appear on the evening of the 9th inst. at a meeting held in the Senate House, for the purpose of nominating Jackson electors; and at an adjourned meeting held for the same purpose on the succeeding day, and in all matters which came before the said meeting, he voted, as he believes, faithfully and truly, regardless of his own private feelings or prejudices, the wishes of a majority of his constituents. He further states, that he saw at said meeting all, or a great majority of both Houses of the Legislature, who then and there participated in the objects of said meeting. He further states, that great and violent efforts were made by a part of said meeting, and in part by the representatives of the people, to adjourn it, and as he believes, defeat the objects of the same, against all which efforts he gave his constant vote. He further States that the *Legislative Caucus*, proposed by the resolution to be held, is contrary to the course usually pursued by the friends of Gen. Jackson, and contrary to the spirit and manner in which they have always acted. Nor does he believe that republican feelings would dictate a course which would exclude from any meeting—which has for its object the promotion of the national safety and interest—the multitude of our fellow citizens who might desire to participate in the same—to make dignitaries of an honored few who might be blessed "*with a little brief authority*," vested in them by the people for other purposes.

The House then adjourned till this evening at 3 o'clock.

Evening session 3 o'clock.—The bill from the Senate entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties in this State, and for other purposes, was read a third time and passed, the title amended as follows: "To prevent abuses by the judges of the county courts and clerks." *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The joint memorial to the Congress of the United States on the subject of the Bank of the United States, was read a second time. Mr Baker moved to strike out all between the word "unconstitutional," and the word "education," with the view to insert the following: "*Resolved*, that the people of this State are unwilling to be taxed, either directly or indirectly, for the purpose of a national Bank, based on the funds of the nation, and that they are not unwilling that the tariff should be continued for the purpose of raising the seventy millions of dollars for said Bank. Mr Cook moved that the memorial lie on the table; which was lost. The question recurred on Mr Baker's motion, and a division of the question being called for, the vote was first taken on striking out and lost. Yeas 18—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Cook Foster Harris Herbert Hickman Hubbard Keener King of P. Moore Oliver of M. Paul Ross Rugely Saunders of D. Shackelford Tarrant and Ward.

Those who voted in the negative are, messrs Speaker Acklen Augustus Boyd Brodnax Campbell Craig Dellet Erwin Faulk Fontaine Gilbreath Goyne Hall of B. Hays Johnson Kilpatrick Loyd M'Collum M'Kinley M'Rea M'Vay Moffett Norwood Oliver of C. Payne Peete Philpot Rather Riddle Saunders of L. Shearer Snedcor Stephens Terrell Walker Watkins and Wilkinson.

Mr Erwin moved to amend Mr Baker's amendment by striking out the words, "based on the funds of the nation," to insert the words, "founded upon the faith and credit of the Government and its revenues;" which was lost. The question was then put on the adoption of the amendment and lost. Yeas 24—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Brodnax Cook Drish Fontaine Foster Harris Herbert Hollis Hubbard Keener King of P. Lane Loyd Moore Oliver of M. Paul Philpot Ross Rugely Saunders of D. and Ward.

Those who voted in the negative are, messrs Augustus Craig Dellet Erwin Faulk Gilbreath Hall of A. Hall of B. Hays Hickman Johnston Kilpatrick M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Norwood Oliver of C. Payne Peete Rather Riddle Saunders of L. Shackelford Shearer Snedcor Stephens Terrell Walker Watkins and Wilkinson.

Mr Dellet moved the previous question, and the question was, Shall the main question be now put? and passed in the affirmative. The main question was then put, viz: Shall the memorial be engrossed and read the third time? it was determined in the affirmative. Yeas 40—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Acklen Augustus Boyd Campbell Craig Dellet Erwin Faulk Farrar Fontaine Goyne Hall of A. Hall of B. Hays Johnston Kilpatrick M'Affee M'Collum M'Kinley M'Rae M'Vay Moffett Musgrove Norwood Oliver of C. Payne Peete Philpot Rather Riddle Saunders of L. Shearer Swink Snedcor Stephens Tarrant Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Baker Brodnax Cook Drish Foster Gilbreath Harris Herbert Hickman Hubbard Keener King of P. Lane Loyd Moore Oliver of M. Paul Ross Rugely Saunders of D. Shackelford and Ward.

The joint resolutions in relation to the United States' Bank, was read a second time. *Ordered*, that it lie on the table.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: An act to compensate the commissioners of revenue and roads of the counties therein named; an act authorizing the judge of the county court of

Montgomery county, to grant permission to Robert J. Ware and others, to make titles to certain lands therein named; and an act to extend the jurisdiction of the State of Alabama, over the territory according to the geographical boundaries within the limits of said State, and for other purposes; which were signed by Mr Speaker.

The bill entitled an act concerning the establishment of public ferries, was read a second time. Mr Augustus moved to amend it by adding thereto sundry sections. The bill and amendments were referred to the committee on roads, bridges and ferries.

The bill entitled an act to reduce the fees of sheriffs in certain cases, was read a second time and referred to the judiciary committee.

The bill entitled an act to authorize the taking of the depositions of certain persons therein named. *Ordered*, that the bill do lie on the table.

The bill to open and improve a road from Tuscaloosa to the State line, in the direction to Nashville, in the State of Tennessee, and another from the same place to the State line in the direction to Milledgeville, in the State of Georgia. *Ordered*, that the bill lie on the table.

Mr Hall of B. moved to suspend all the orders of the day preceding No. 203; which was carried.

The House took into consideration the memorial to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama; which was read a second time. Mr Hall moved to amend the memorial by striking out the resolution and substituting another in lieu thereof; which was adopted: and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday, Jan. 12, 1832.—The House met pursuant to adjournment.

Mr Paul called up the communication from Isaac H. Erwin, to the Speaker of this House. Mr Paul then moved that the communication be spread on the Journals; which was carried. The said communication is as follows, viz:

January 10, 1832.—SIR: I am requested to state to the House of Representatives, that an adjourned meeting of the friends of Gen. Jackson, friendly to his re-election to the Presidency, is now in session in the Senate Chamber, to which the attention of members is respectfully invited. Yours, &c.

J. H. ERWIN,

H. M. JAMES PENN, *Speaker, &c.*

Member House of Representatives,

Mr Campbell, from the committee on propositions and grievances, to which was referred the accounts of Whitman Harrell and others, reported that it is not properly a charge against the State, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to which was referred the account of Willaim I. Gilbert, reported that the same is not authenticated pursuant to law, and ought not to be allowed. *Ordered*, that the report lie on the table.

Mr Dellet made the following report: The judiciary committee to whom was referred a bill to be entitled an act to change the times of holding courts in the first judicial circuit; and a bill to be entitled an act to change the times of holding the circuit courts in the second judicial circuit; also, a resolution directing said committee to inquire into the propriety of altering the times of holding the circuit courts in the fourth, sixth, and second circuits; have examined the same, and have directed me to report the bills aforesaid without amendment, and ask leave to be discharged from the further consideration of the resolution above mentioned.

The bill entitled an act to change the time of holding the circuit courts in

the second judicial circuit, was ordered to be engrossed for a third reading.

The bill entitled an act to change the time of holding courts in the first judicial circuit being under consideration, Mr Dellet moved to amend the bill by striking out the first section after the enacting clause, and by substituting another in lieu thereof. A division of the question being called for, the vote was first taken on striking out and carried. Yeas 29—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Boyd Brodnax Carroll Craig Dellet Drish Fontaine Foster Goodwin Goyne Hall of B. Herbert Hickman Keener Lane M'Kinley Oliver of C. Oliver of M. Paul Peete Rather Rugely Saunders of L. Tarrant Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Faulk Farrar Hall of A. Hays Hollis Hubbard Johnston King of P. Lockhart Loyd M'Afee M'Collum M'Rea M'Vay Musgrove Nabors Norwood Payne Riddle Ross Swink Snedcor Stephens Walker and Ward.

Mr Hays moved to amend Mr Dellet's amendment by striking out the word "twelve," to insert the word "six," so that it will read six days; which was lost. Yeas 17—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are, messrs Faulk Farrar Hall of A. Hays Hollis Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Norwood Payne Snedcor Walker and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Fontaine Foster Goodwin Goyne Hall of B. Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Moore Oliver of M. Peete Philpot Rather Riddle Rugely Saunders of L. Swink Stephens Tarrant Terrell Toulmin Walker and Wilkinson.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have passed bills of the following titles, viz: An act to remove a portion of the public arms to the town of Montgomery; an act to incorporate the Tennessee and Alabama Railroad Company; an act to authorize a jury to be drawn for the county court of Lowndes county; an act to change a certain road therein named; joint memorial to the President of the United States relative to the removal of certain Indian tribes; and an act to revise and amend the law regulating patrols: in all of which they ask the concurrence of the House of Representatives. They have passed bills from the House of Representatives of the following titles, viz: An act to authorize the commanding officers of the 49th regiment, in the 11th brigade, of the Alabama militia to form two company beats with a less number than forty privates in the county of Pike; and an act to organize a separate Supreme Court.

The bill from the Senate entitled an act to remove a portion of the public arms to the town of Montgomery, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the military committee.

The bill from the Senate entitled an act to incorporate the Tennessee and Alabama Railroad Company, was read. Mr Herbert moved that the bill lie on the table; which was carried. Yeas 44—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener King of P. Loyd M'Afee M'Kinley M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Ross Rugely Shearer Swink Tarrant Terrell Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Augustus Erwin Faulk Farrar Hall of A. Hays Lockhart M'Vay Moffett Norwood Philpot Riddle Saunders of L. Snedcor Stephens and Toulmin.

Bills from the Senate of the following titles, viz: An act to authorize a

jury to be drawn for the county court of Lowndes county, and an act to change a certain road therein named, were read a first time, and the rule requiring bills to be read on three several days being dispensed with, they were read a second time forthwith; and the rule being further dispensed with, they were read a third time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Memorial from the Senate to the President of the United States relative to the removal of certain Indian tribes was read a first time and ordered to a second reading.

The bill from the Senate entitled an act to revive and amend the law regulating patrols, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to Messrs Johnson, Carroll, and Riddle.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate do not concur in the resolution of the House of Representatives, as communicated to them, recommitting to the committee of conference the bill entitled an act supplementary to an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene, and Pickens, passed January 20th, 1830, on the disagreement of the House of Representatives, to the amendments made by the Senate to said bill, further to consider thereof. *Ordered*, that said message lie on the table.

The hour of twelve o'clock having arrived, the orders of the day were suspended.

Mr Norwood moved to reconsider a vote given on yesterday on concurring with the amendment made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein specified; which was carried. Mr Norwood moved to amend the amendments as follows: Strike out the words, "one at the house of William Blount, in Jackson county, on the road between Mud creek and Crow creek; which was carried. Mr Toulmin moved to strike out the seventh section; which was carried. The amendment as amended was concurred in. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Herbert, from the committee on emancipation to whom was referred the bill entitled an act to authorize James Doran to emancipate certain slaves therein named, reported an amendment by adding thereto an additional section; which was adopted. The bill was ordered to a third reading.

Mr Lane, from the committee on accounts and claims to which was referred sundry accounts and claims, reported a bill to be entitled an act making appropriations for certain claims against the State; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and committed to the committee on accounts to consider and report thereon.

Mr Carroll, from the military committee to whom was referred the bill entitled an act more effectually to secure the militia officers the infantry tactics received by this State from the General Government, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Hubbard made the following report: The committee on roads, bridges and ferries to whom was referred a resolution instructing them to inquire into the expediency of distributing interest of the three per cent fund among the several counties in this State, have had the subject under consideration, and have instructed me to report that the fund so proposed to be distributed, appears to belong to the State for the exclusive purpose of improving the condi-

tion of the roads and rivers; that it is too inconsiderable to enable the State to construct any important work, and that as long as it remains undisposed of, it will continue to be a subject matter of contention and legislative excitement, creating more expense to the people by delay of other business in the Legislature, than the funds will ever be worth; besides, it is believed by your committee that it may, by the frequent contests for the money, be productive of serious injury to correct legislation, as it will generally be found true, that in the scramble for money, the meanest will get most. They therefore recommend an equal distribution among the counties according to representation.

The same committee reported a bill to be entitled an act for the distribution of the interest arising from the three per cent fund; which was read. Mr Hubbard moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read a second time forthwith.

The House adjourned until 3 o'clock this evening.

Evening session 3 o'clock.—The question recurred upon Mr Hubbard's motion and lost. Mr Carroll, who voted in the majority on Mr Hubbard's motion, moved to reconsider the vote; which was carried. Mr M'Vay then moved that the bill lie on the table; which was lost. It was ordered to a second reading.

Mr Watkins made the following report: The committee on enrolled bills have examined a bill entitled an act to prevent the introduction of slaves into Alabama, and find, although it is correctly enrolled, yet by the present position and succession of the sections, they are in several respects inconsistent and inoperative. This can only be remedied by a transposition of the sections. They believe that the ninth section, which does not go into operation until January next, was not so designed by the Legislature; this is caused by lapse of time. The committee are of opinion, that under the direction of the House, they can so arrange the enactments in said bill, as fully to answer the intention of the Legislature, with the exception of the ninth section. *Ordered*, that the report lie on the table.

Mr Hubbard, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of appropriating six hundred dollars of the interest of the three per cent. fund for the purpose of building two bridges in the county of Jackson, on the State road, reported the same as inexpedient, and ask leave to be discharged from the further consideration thereof; which was granted.

The same committee to which was referred a resolution instructing them to inquire into the expediency of appropriating a part of the interest arising from the three per cent. fund to the opening and improving the State road from Greensborough to Mobile, &c. reported the same as inexpedient, and ask leave to be discharged from the further consideration of the same; which was granted.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of appropriating a part of the interest arising from the three per cent. fund for a certain road therein named, reported the same as inexpedient, and ask leave to be discharged from the further consideration of the same; which was granted.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to organize a separate supreme court.

Mr Faulk moved that the rule in relation to local bills be suspended; which was lost.

Orders of the day.

The engrossed bill entitled an act to prevent the sale of spirituous liquors to the lands engaged in opening the navigation of the Tennessee river, was read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 29—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Augustus Boyd Campbell Craig Erwin Faulk Foster Glibreath Hays Hickman Lane Lockhart Loyd McAfee McKiley McRea McVay Moffitt Norwood Oliver of M. Peete Philpott Saunders of L. Snedcor Stephens Tarrant Terrell and Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Baker Carroll Clark Deile Drish Farrar Fontaine Godwin Harris Herbert Hubbard J. Huston Keener Kilpatrick King of R. McCollum Moore Musgrave Nabers Paul Payne Rather Riddle Ross Shearer Swink Toulmin Walker Ward and Watkins.

Ordered, that Mr Shackelford have leave of absence from this House until Monday next.

Engrossed bills of the following titles, viz: an act to change the names of certain persons therein named; an act to divide the 12th regiment of the militia of this State; an act authorizing William Taylor, administrator, and Elizabeth Bolles, administratrix, of Peter M. Bolles, deceased, to sell real estate; and an act to incorporate the Tennessee and Alabama Railroad Company, were severally read the third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Bills from the Senate of the following titles, viz: An act permanently to fix the seat of justice in the county of Wilcox; an act for the relief of Wm. T. Rousiville; and, an act to explain more fully a part of the county line between the counties of Bibb and Shelby; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to authorize the establishment of a road from Florence to the Tennessee line, was read the third time and passed.—Yeas 38—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Boyd Campbell Erwin Faulk Farrar Fontaine Glibreath Godwin G. yne Hays Hickman Hills J. Huston Kilpatrick Lane Lockhart McAfee McCollum McKiley McVay Moffitt Nabers Norwood Payne Peete Riddle Saunders of L. Shearer Swink Snedcor Stephens Tarrant Walker Ward and Watkins.

Those who voted in the negative are, messrs Abernathy Baker Carroll Craig Deile Drish Foster Harris Herbert Hubbard Keener King of R. Loyd McRea Moore Musgrave Oliver of M. Paul Philpott Rather Ross Terrell Toulmin and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to incorporate the town of Larkinsville, in Jackson county, was read the third time and passed—the bill amended by adding “and the town of Irwinton, in Pike county.” *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate, entitled an act in part to repeal an act to incorporate the town of Carrollton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved Jan. 15, 1831, was read a second time. Mr Fontaine moved to amend the bill by adding thereto two additional sections, No. 3 and 4; which was adopted. The bill was ordered to a third reading.

The bill for the relief of Samuel Jackson, was read a second time, and the rule requiring bills to be read on three several days being dispensed with,

it was read the third time forthwith, and considered as engrossed, and the question being put, shall this bill pass? it was determined in the negative.—Yeas 22—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Campbell Erwin Farrar Harris Hays Johnston Kilpatrick King of P. Lockhart M'Atlee M'Collum M'Rea Nabors Norwood Riddle Ross Saunders of L. Swink Snedico Stephens and Toulmin.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Boyd Carroll Cook Craig Dellet Drish Faulk Fontaine Foster Gilbreath Goodwin Goynes Herbert Hickman Hollis Hubbard Keener Lane Loyd M'Kinley M'Vay Moffett Moore Musgrove Oliver of M. Paul Payne Peete Rather Shearer Tarrant Walker Watkins and Wilkinson.

Mr Herbert moved to suspend the orders of the day for the purpose of introducing a bill; which was carried. Mr Herbert then introduced a bill to repeal in part an act entitled an act to prevent the introduction of slaves into Alabama, and for other purposes, passed Jan. 7, 1832; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the committee on enrolled bills.

The orders of the day. The bill entitled an act amendatory to an act, passed Jan. 20, 1830, authorizing Nathaniel Clark to emancipate certain slaves therein named, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act for the relief of Thompson Chiles, was read a second time and referred to a special committee, consisting of messrs Moffett, Farrar and Saunders of L.

Mr Paul moved that the orders of the day be suspended; which was lost.

The bill to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, approved Jan. 13, 1831, was read a second time and ordered to be engrossed for a 3d reading.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday, January 13, 1832.—The House met pursuant to adjournment.

Mr Hubbard, from the committee on roads, bridges, and ferries, to whom was referred the bill entitled an act to authorize Cornelius Rain to establish a turnpike road therein named, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Fontaine, from the committee on the State Bank to whom was referred the petition of some of the citizens of Washington county, praying for a charter of a Bank to be located on Mobile, to be called the Planters' Bank of Mobile, reported that they had early in the session several petitions of the same import under consideration, and reported a bill; they therefore ask to be discharged from the further consideration of said petition; which was granted.

Mr Dellet, from the judiciary committee to whom was referred a bill entitled an act concerning the registration of deeds and conveyances, reported the bill to the House without amendment, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Oliver of C. presented the account of Green B. Spencer; which was read and referred to the committee on accounts.

Mr Lane presented the accounts of sundry persons; which was read and referred to the committee on accounts.

Mr Dellet, from the judiciary committee to whom was referred a resolution directing them to examine into the expediency of providing by law for the payment of witnesses summoned on the part of the State in criminal cases, out of the State Treasury, reported that it is inexpedient to alter the law on the subject: in which report the House concurred.

The same committee, to whom was referred a resolution directing them to inquire into the expediency of providing by law for the payment of the fees of solicitors in criminal cases, where the defendants prove to be insolvent, reported that it is inexpedient to alter the law on this subject: in which report the House concurred.

The same committee, to whom was referred the bill entitled an act to reduce the fees of sheriffs in certain cases, reported that it is expedient to pass the bill. Mr Brodnax moved that the bill be indefinitely postponed; which was carried. Yeas 48—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Boyd Brodnax Carroll Cook Dellet Drish Fontaine Foster Gilbreath Goodwin, Goyne Hall of B. Hays Herbert Hickman Johnston King of P. Lane Lockhart Loyd M'Kinley Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Saunders of D. Saunders of L. Shearer Swink Snedcor Tarrant Terrell Toulmin Ward Watkins and Wilkinsen.

Those who voted in the negative are, messrs Abernathy Augustus Campbell Craig Erwin Faulk Farrar Hall of A. Harris Hollis Hubbard Keener Kilpatrick M'Affee M'Vay Rugely Stephens and Walker.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have passed bills of the following titles, which originated in the House of Representatives, to wit: An act to authorize Thomas H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified; an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said decedent, which they have amended as therein set forth; an act for the relief of James A. Thompson, late tax-collector of Dallas county.

Ordered, that the House concur in the amendment made by the Senate to the bill entitled an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to the said decedent.

Mr Dellet made the following report: The judiciary committee to whom was referred a resolution directing them to inquire into the expediency of so amending the laws prescribed by law for holding the circuit courts in the different circuits in this State, and curtail the number of weeks they are now allowed to sit, with a view to arrange the several courts as to give the judges longer time to hold the supreme court, have considered the same, and have directed me to report, that it is not necessary at this time to legislate on the subject, and ask leave to be discharged from the further consideration thereof; in which report the House concurred.

The same committee to whom was referred a memorial of sundry citizens of Mobile, praying the passage of a law more effectually to prevent frauds in the package of cotton, reported that it is inexpedient at this period of the session to legislate on the subject of the memorial. *Ordered*, that the report lie on the table.

Mr Moffett, from the select committee to whom was referred the bill entitled an act for the relief of Thompson Chiles, reported the same with an amendment, by adding at the end of the first section of the bill; which was adopted. It was ordered to be engrossed for a third reading.

A message was received from the Governor by James I. Thornton, which is as follows: Mr Speaker I am requested by the Governor to inform your

honorable body, that he did on the 12th inst. approve and sign the following bills; an act to authorize William B. Norris to erect a mill on the Cahowba river; an act to incorporate the Florence Bridge Company; an act to authorize Barnabas Blackman and his associates to turnpike a certain road therein named; an act amendatory of an act entitled an act to amend an act to incorporate the School Commissioners of the fourth township and eighth range, west of Huntsville, and for other purposes; an act to authorize John H. Garrett to open a certain road therein named, and to keep a ferry on the Oposa river; an act to provide for the support of paupers in the county of Franklin; and an act to authorize Moses and Aaron Pickett to establish a ferry across the Chattahoochee: all of which originated in the House of Representatives.

The hour of 12 o'clock arrived, the orders of the day were suspended for the present.

Mr Hubbard made the following report: The committee on the judiciary to whom was referred a bill to be entitled an act defining the extent of William H. Ragsdale's turnpike privileges, and providing suitable penalties for the abuse thereof, have had the same under consideration, and have instructed me to report the bill back with the following amendments, and recommend the passage of the bill, to wit: add the words, "at any point within the county of Marion," in the 11th line, 1st section, after the word "thereof." 2nd. Amend after the word "road," in the 12th line, add the words, "in Marion county." 3d. Amend after the word "roads," in the 5th line, 2d section, add "within Marion county." Mr Hollis moved that the House disagree to the amendments reported by the committee. Mr Payne moved that the bill be indefinitely postponed; which was lost. Yeas 17—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Boyd Campbell Craig Dellet Fontaine Foster Godwin Goynne Lockhart McRea McVay Nabers Newwood Payne Riddle and Wilkinsen.

Those who voted in the negative are, Messrs Speaker Augustus Baker Cork Drish Erwin Farrar Galbreath Hall of A. Harris Hays Herbert Hickman H. H. Hubbard Johnson Keener Kilpatrick King of P. Line Loyd McAfee McCollum McKelley Musgrove Oliver of C. Oliver of M. Paul Peete Rather Riss Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Walker and Ward.

The question recurred on Mr Hollis' motion, and carried. Mr Hubbard moved to amend the bill by striking out all after the enacting clause, and substitute another in lieu thereof. Mr Payne moved to amend Mr Hubbard's amendment, by adding thereto an additional section; which was carried. The amendment as amended was then adopted. The bill was ordered to be engrossed for a third reading.

Mr Peete moved that the orders of the day be suspended for the purpose of introducing a bill; which was carried.

Mr Peete then introduced a bill to be entitled an act relating to the alternating of the judges of the circuit courts of this State; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Hays moved to amend the bill by striking out the first section. Mr Campbell moved that the bill lie on the table; which was lost. The question recurred on Mr Hay's motion. And the House adjourned till half past three o'clock this evening.

Evening session half past 3 o'clock.—The House resumed the consideration of Mr Hays' motion to strike out the first section of the bill entitled an act relating to the alternating of the judges of the circuit courts of this State; which was lost. Yeas 15—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, Messrs

Campbell Farrar Hays Hubbard Kilpatrick King of P. Loyd M'Afee M'Collum Moore Musgrove Paul Stephens Walker and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Baker Carril Cook Craig Dellet Drish Erwin Fautaine Foster Gilbreath Goodwin Goyme Harris Hickman Hollis Johnston Keener Lane Lockhart M'Kinley M'Rea M'Vay M'fett Nabors Norwood Oliver of C. Oliver of M. Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Tarrant Terrell Watkins and Wilkinson.

Mr Abernathy offered the following amendment: "*And be it further enacted*, that the judges of the circuit courts of this State, hereafter to be elected, shall receive each an annual salary of fifteen hundred dollars, to be paid quarter yearly as heretofor, and hereafter there shall be elected but six judges, and the circuits shall be arranged accordingly. Mr Hays moved to amend the amendment by striking out the words, "fifteen hundred," with a view to insert "one thousand;" which was lost. Yeas 10—Nays 52.

The yeas and nays being desired, those who voted in the affirmative are, messrs Goodwin Hays Loyd M'Afee M'Collum M'Vay Shearer Stephens Walker and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Carril Cook Craig Dellet Drish Erwin Faulk Fautaine Foster Gilbreath Goyme Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lockhart M'Kinley M'Rea M'fett Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Swink Tarrant Terrell Watkins and Wilkinson.

Mr Musgrove moved to amend the amendment by striking out the words "fifteen hundred," with a view to insert the words, "twelve hundred." A division of the question being called for, the vote was first taken on striking out. Mr Paul moved the previous question, the question was, Shall the call be sustained? and lost. The question recurred on mr Musgrove's motion to strike out, and lost. Yeas 16—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are, messrs Farrar Goodwin Goyme Hays Hollis Kilpatrick King of P. Loyd M'Afee Musgrove Norwood Shearer Swink Stephens Walker and Ward.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Campbell Carril Cook Craig Dellet Drish Erwin Faulk Fautaine Foster Gilbreath Hall of B. Harris Hickman Hubbard Johnston Keener Lane Lockhart M'Kinley M'Rea M'Vay M'fett Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Watkins and Wilkinson.

Mr Saunders of L. moved to amend mr Abernathy's amendment with the following: Strike out the words, "hereafter to be elected," and insert the words, "after the year 1833;" which was lost. Mr Acklen offered the following amendment: "That the circuit judges to be elected at this session of the Legislature, and those hereafter to be elected, shall, after the year 1833, receive each a salary of fifteen hundred dollars annually;" which was lost. Yeas 25—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Brodnax Carril Dellet Drish Fautaine Foster Gilbreath Hall of B. Harris Hubbard Loyd M'Rea Moore Oliver of M. Paul Rather Ross Rugely Saunders of D. Saunders of L. Taulman and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Campbell Craig Erwin Faulk Farrar Goodwin Goyme Hays Hickman Hollis Johnston Kilpatrick King of P. Lane Lockhart M'Afee M'Collum M'Kinley M'Vay M'fett Musgrove Nabors Norwood Oliver of C. Payne Peete Philpott Riddle Shearer Swink Stephens Tarrant Terrell Walker Ward and Watkins.

The question was on the adoption of the amendment, and carried. Yeas 43—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Boyd Campbell Craig Paulk Gilbreath Goodwin Goyme Hays

Hickman Hollis Hubbard Johnston Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Cellum M'Kinley M'Ray M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Payne Philpot Rather Riddle Ross Rugely Saunders of D. Shearer Swink Stephens Tarrant Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Baker Brodnax^{*} Carroll Dellet Drish Erwin Fontaine Foster Hall of B. Harris Paul Peete Ross Saunders of L. Terrell Toulmin Watkins and Wilkinson.

Mr Saunders of L. moved to strike out the second^{*} section of the bill; which was lost. It was ordered to be engrossed for a third reading.

And then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, Jan. 14, 1832.—The House met pursuant to adjournment.

Mr Cook presented the account of Thomas J. Abbott; which was read and referred to the committee on accounts.

Mr Baker introduced a bill to be entitled an act supplementary to the several acts passed at the present session of the General Assembly, incorporating certain companies for the construction of rail-roads; which was read a first time. Mr Baker moved that the constitutional rule requiring bills to be read on three several days be dispensed with, and that the bill be read a second time forthwith; which was lost. There not being a constitutional majority in favor of suspension. Yeas 44—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messes Speaker Abernathy Acklen Baker Brodnax Campbell Carroll Cook Dellet Faulk Fontaine Foster Gilbreath Goodwin Gayne Hall of B. Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Loyd M'Afee Moore Musgrove Norwood Oliver of C. Paul Peete Philpot Rather Ross Rugely Saunders of D. Shearer Swink Stephens Terrell Watkins and Wilkinson.

Those who voted in the negative are, messrs Boyd Craig Erwin Farrar Hall of A. Hays Leckhart M'Kinley M'Vay Moffett Payne Riddle Saunders of L. Toulmin and Ward.

The bill was then ordered to a second reading.

Mr Peete called up the bill to be entitled an act to provide for taking the census of the State of Alabama; which was read a second time. Mr Rather moved to strike out the oath in the second section; which was carried. Mr Rather then moved that the bill be indefinitely postponed; which was lost.—And the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. Yeas 59—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Dellet Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Gayne Hall of A. Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Kinley M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Peete Philpot Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Terrell Toulmin Ward Watkins and Wilkinson.—Those who voted in the negative are, messrs Cook Craig M'Rae and Rather.

Mr Moffett, from the select committee to whom was referred so much of the Governor's message as relates to the tariff, reported that the subject of the tariff laws has been brought before the House in almost every view in which it can be presented by different memorials which have been introduced for the consideration of our Legislature; that those memorials are now part of the unfinished business of the House, and subject to its order, and that this body can at its discretion resume the consideration of them whenever it thinks proper; they ask leave to be discharged from the further consideration of this subject; which was granted.

Mr Carroll made the following report: The military committee to whom was referred the bill entitled an act to remove a portion of the public arms to

the town of **Montgomery**, have according to order had the same under consideration, and have instructed me to report the bill with the following amendments: Strike out the word "four," in the fourth line of the first section, and insert the word "three." Insert in the third section of the 7th line, after the word "Dallas," the following: "And the same pay to be allowed as is now allowed the quarter master for cleaning the public arms. *Ordered*, that the House concur in the first amendment. *Ordered*, that the House disagree to the second amendment. Mr Peete moved the following amendment: *Be it further enacted*, that the Governor of this State cause two hundred muskets, bayonets and cartridge boxes to be sent to the town of Huntsville, in Madison county, subject to the order of the major general of the first division Alabama militia, for distribution. The bill with the amendments was recommitted to the military committee.

Mr Paul introduced a bill to be entitled an act to repeal the laws now in force, imposing a tax upon performances in regular Theatres; which was read and ordered to a second reading.

Mr Gilbreath introduced a bill to be entitled an act to authorize the establishment of a ferry at Deposit, on the Tennessee river, and to appoint commissioners to view, mark and lay off a certain road therein described; which was read the first time. Mr Gilbreath moved that the rule requiring bills to be read on three several days be dispensed with, and that it be read the second time forthwith; which was lost. There not being a constitutional majority voting in favor of suspension. Yeas 44—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Drish Fontaine Foster Gilbreath Goodwin Goyne Hall of A. Harris Herbert Hickman Hollis Hubbard Johnston Kilpatrick King of P. Lane Loyd M'Afee Moore Musgrove Norwood Oliver of M. Paul Peete Philpot Rather Rugely Saunders of D. Saunders of L. Swink Stephens Tarrant Terrell Walker and Wilkinson.

Those who voted in the negative are, messrs Speaker Dellet Erwin Faulk Farrar Hall of B. Hays Lockhart M'Kinley M'Rae M'Vay Moffett Oliver of C. Riddle Ross Toulmin and Watkins.

The bill was then ordered to a second reading.

On motion of Mr Acklen, the House then proceeded to the orders of the day.

Engrossed bills of the following titles, viz: An act to change the time of holding courts in the first judicial circuit; an act to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, approved January 13, 1831; an act to authorize Cornelius Rain to establish a turnpike road; an act defining the extent of William H. Ragsdale's turnpike privileges, and providing suitable penalties for the abuse thereof, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles, viz: An act to authorize James Doran to emancipate certain slaves therein named; an act in part to repeal an act to incorporate the town of Carrollton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved 15th January, 1831, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Musgrove moved to suspend the rule in relation to local business, for the purpose of taking into consideration the bill entitled an act to attach all the Indian territory lying in the State of Alabama, according to the geo-

graphical boundaries, to the counties lying contiguous to the same; which was lost, there not being a majority of two-thirds voting in favor of the suspension of the rule. Yeas 43—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Baker Brodnax Cook Faulk Farrar Fontaine Foster G' Breath Goodwin Goyne Harris Herbert Hickman Hellis Hubbard Johnston Keener Kilpatrick King of P. Lane Loyd M'Affee M'Callum M'Kinley M'Vay Moore Musgrove Nabers Oliver of M. Paul Payne Peete Philpot Rather Riddle Saunders of D. Shearer Snelcier Tarrant Terrell Ward.

Those who voted in the negative are, messrs Acklen Boyd Campbell Craig Deltet Drish Erwin Hall of A. Hall of B. Hays Leckhart Moffett Norwood Oliver of C. Ross Saunders of L. Swink Stephens Toulmin Walker Watkins and Wilkinson.

Upon a question of order, Mr Speaker decided that the bill entitled an act to attach all the Indian territory lying in the State of Alabama according to the geographical boundaries, to the counties lying contiguous to the same, was not of a local character; from which decision Mr Baker appealed.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Boyd Campbell Cook Craig Deltet Drish Erwin Faulk Fontaine Foster G' Breath Goyne Hall of A. Hall of B. Harris Hays Hickman King of P. Lane Leckhart M'Affee M'Callum M'Kinley M'Vay Moffett Moore Norwood Oliver of C. Oliver of M. Peete Rather Ross Saunders of D. Saunders of L. Swink Snelcier Stephens Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Brodnax Farrar Goodwin Herbert Hellis Hubbard Johnston Keener Kilpatrick Loyd Musgrove Nabers Paul Philpot Riddle Shearer Tarrant.

The engrossed bill entitled an act for the relief of Thompson Chiles was read the third time and passed. The title amended as follows: insert the words, "and others," after the word "Chiles," and the words "and for other purposes." *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to discontinue and establish certain election precincts therein specified, was read a second time.

Mr Johnston moved to amend the bill by adding thereto an additional section No. 3; which was adopted: and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: an act to allow compensation to the petit jurors for the county of Conecuh; an act to increase the number of jurors to attend the circuit court in the county of Wilcox; an act for the relief of Catharine C. Craig, lately Catharine C. Bryan; an act to repeal in part a certain act therein named, were severally read the second time, and the rule requiring bills to be read on three several days being dispensed with, they were considered as engrossed, read a third time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Rather moved to suspend the orders of the day for the present; which was carried.

Mr Rather then offered the following resolution: *Resolved*, that the principal clerk of this House be, and he is hereby authorized to employ such assistance as may be necessary, during the balance of the session; which was adopted.

A message was received from the Governor by James I. Thornton, which is as follows: Mr Speaker—I am requested by the Governor to inform your honorable body, that he did on this day approve and sign an act to organize

a separate supreme court; which originated in the House of Representatives.

Mr Ross offered the following resolution: *Resolved*, with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives this evening at the hour of 7 o'clock, P. M. for the purpose of electing three judges of the supreme court. Mr Erwin moved to strike out the word "seven;" which was lost. Mr M'Kinley moved to amend the resolution by inserting these words, "and that each judge shall be elected separately; which was lost. Yeas 24—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Boyd Craig Drish Erwin Faulk Farrar Fontaine Goyne Kilpatrick M'Collum M'Kinley M'Vay M'fett Norwood Oliver of M. Payne Riddle Swink Snedecor Stephens Ward and Wilkinson.

Those who voted in the negative are, messrs Abernathy Acklen Augustus Brodnax Campbell Carroll Cook Dellet Foster Gilbreath Goodwin Hall of A. Hall of B. Harris Herbert Hickman Hubbard Johnston Keener King of P. Lane Lockhart Loyd Moore Musgrove Nabers Oliver of C. Paul Peete Philip t Rather Ross Rugely Saunders of D. Saunders of L. Tarrant Terrell Toulmin Walker and Watkins.

The resolution was then adopted.

Bills from the Senate of the following titles, viz: An act to provide for the admeasurement of work done to buildings in the city of Mobile, and for the appointment of measurers; an act altering the time of opening and closing the polls at elections in the city of Mobile, were severally read a second time, and the rule requiring bills to be read on three several days being dispensed with they were then read a 3d time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act supplementary to an act entitled an act to authorize James Davis and associates to turnpike a certain road therein named, was read a second time and ordered to a third reading.

The bill entitled an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock, in said county, was read the second time and referred to the committee on inland navigation with instructions to report on Monday next.

The bill entitled an act supplementary to an act to turnpike a road therein mentioned, approved January 7th, 1830, was read the second time and referred to the delegation from the counties of Blount and Morgan to consider and report thereon.

The bill entitled an act to legitimate and change the names of certain persons therein named, was read the second time and ordered to be engrossed for a third reading.

And then the House adjourned until half past three o'clock this evening.

Evening session, ½ past 3 o'clock.—The House met pursuant to adjournment.

The bill entitled an act to define the line between the counties of Monroe and Clark, was read a second time. Mr Dellet moved that the bill be indefinitely postponed; which was lost. Yeas 17—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Cook Craig Dellet Foster Gilbreath Hall of B. Harris Herbert Keener Lane Oliver of M. Paul Peete Rather Saunders of D.

Those who voted in the negative are, messrs Augustus Boyd Campbell Boyin Faulk Farrar Goodwin Goyne Hall of A. Hays Hickman Hollis Hubbard Johnston Kilpatrick King of M. King of P. Lockhart Loyd M'Fee M'Collum M'Kinley M'Rea M'Vay M'fett Moore Musgrove Norwood Oliver of C. Payne Riddle Ross Rugely Saunders of L. Swink Snedecor Stephens Tarrant Toulmin Walker Ward Watkins and Wilkinson.

Mr Hays moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be read a third time forthwith, which was lost, there not being a constitutional majority voting in favor of the suspension. Yeas 33—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Campbell Erwin Faulk Foster Goodwin Goyne Hall of A. Harris Hays Hickman Hollis Johnston Kilpatrick King of P. Loyd M'Affee M'Collum M'Kinley M'Vay Moffett Moore Musgrove Norwood Oliver of C. Payne Swink Snedcor Tarrant Walker Ward and Wilkinson.

Those who voted in the negative are, messrs Speaker Acklen Baker Boyd Cook Craig Dellet Gilbreath Hall of B. Herbert Hubbard Keener King of M. Lockhart M'Rea Nabors Oliver of M. Paul Peete Rather Riddle Ross Rugely Saunders of D. Saunders of L. Toulmin and Watkins.

The bill was then ordered to be engrossed for a third reading.

A message from the Senate by Mr Conner, their secretary: Mr Speaker—The Senate concur in the resolution of the House of Representatives proposing to go into the election of three judges of the supreme court this evening at the hour of seven o'clock.

The bill entitled an act for the relief of the inhabitants of the 4th township, of the 11th range, west, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was then considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until half past six o'clock this evening.

Evening session, $\frac{1}{2}$ past 6 o'clock.—The House met pursuant to adjournment.

Mr Hubbard made the following report:

The joint committee appointed by the General Assembly to examine into the condition of the Bank of the State of Alabama, have performed the duties assigned them, and respectfully report:—That the Bank continues to deserve the confidence of the people, and has realized the most sanguine expectations of its friends. At no time since the establishment of this institution, has it been able to exhibit so flattering a result as at the present moment. The paper marked A, is an exhibit of the condition of the Bank on the 10th instant, and shows the result of its operations since the 18th December, 1830. By this statement the Bank is charged with the sum of [\$528,699, now in circulation. The Bank possesses \$140,028 of notes of solvent Banks, most of which is in the paper of the United States' Bank. There is also due from other solvent Banks, the sum of \$64,041 35. The Bank possesses in bills of exchange, the enormous sum of \$1,103,265 17, nearly the whole of which falls due on or about the first April next. They have also on hand the sum of \$218,771 22, in notes of solvent persons, including \$42,000 loaned the University, most of which, by the rule of the Bank, will be taken up in a very short time, by cash or bill of exchange. The difference in the state of the Bank since last report, is as follows, viz: There is \$155,596 less of the notes of this Bank in circulation; also \$211,110 less in notes of hand.—There is also \$346,296 84 more of bills of exchange. There is not as much due this Bank from other Banks by \$131,224 59. The capital of the Bank has increased \$143,955 28. There is \$64,719 52 more in specie. There is \$4,649 less bad debts, and \$4,164 less doubtful debts; and the Bank has realized the sum of \$101,589 51 profit. The paper marked B, is an exhibit of the bad and doubtful debts. The paper marked C, is a statement of the capital stock, shewing the items of which it is composed. The paper marked D, is a statement of the amount of notes discounted for each county within the last year. Your committee deem it proper to report the amount of blank paper on hand. There is now of post-notes 1288, single impressed; of sheets of four notes each, of the denomination of Fiftys and Hundreds, 202 impressions; of Tens and Twentys, 7704 impressions; of Fives and Fives, 12,006 impressions; of Ones, Ones, Twos and Threes, 17,942 impressions. The difference between this report and last year's, is accounted for by the new issues. There is one item in statement A, which may require explanation. It is the sum of \$134,060 59 to the credit of individual depositors. It is composed of moneys to the credit of the State Treasurer, agent of the University, and a very considerable amount to be applied to the payment of notes falling due about this time; and a small amount to the credit of merchants and others of this place.

It may not be amiss to state, that the sums of \$202,473 13, Tennessee canal fund; \$19,031 16 interest on the three per cent fund; as well as \$40,425 school fund, may be considered as a permanent deposit.

The same good feeling still exists between the Branch Bank of the United States and this institution; and has been very beneficial to both.

Your committee cannot close this report, without bearing testimony to the zeal and ability of the several officers of the Bank; and more particularly in the prompt and able manner with which the Cashier afforded them every facility to enable your committee to discharge the arduous duties assigned them. All of which is respectfully submitted.

JOHN B. HOGAN, WM. EDMONDSON, RICH'D. B. WALTHALL,

Committee on the part of the Senate.

DAVID HUBBARD, ISAAC H. ERWIN, JOHN WATKINS,

Committee on the part of the House of Representatives.

[A.] *An exhibit of the condition of the Bank of the State of Alabama, on the 10th January, 1832: Also shewing the result of its operations since the 18th December, 1830.*

Capital stock.....	\$739,458 50½	Due on notes discounted	\$218,771 22
Notes of the Bank in circulation	528,699 00	“ Bills exch. purchased	1,103,205 17
Due individual depositors....	134,060 59	Banking house at Cah. cost	1,075 92
“ Internal improvement fund	202,473 13	do. do. and lot, Tus. “	8,873 57
“ President and Directors		Bank furniture.....	827 62
Board internal improve.	19,031 19	Due from solvent Banks in	
“ Common school fund.....	40,425 02½	account....	\$64,041 35
Received as partial payments		Notes of solvent	
on judgments.....	14,443 71	Banks on hand	140,023 00
Balance of profits at last		Specie.....	163,118 40
report.....	\$6,446 37		367,182 75
Total profits since		Paid dividends and interest	
18th Dec. 1830,	101,589 51	on the 9th of Nov. last,	
	108,035 88	to the different funds com-	
		posing the capital.....	80,256 36
		Current expense paid since	
		18th Dec. 1830.....	6,434 39
	\$1,786,627 00		\$1,786,627 00

DANIEL M. RIGGS, *Cashier.*

BANK OF THE STATE OF ALABAMA, Tuscaloosa, January 10, 1832.

[B.] *Statement shewing the amount of Paid and Doubtful Debts due to the Bank.*

Bibb county, \$520 bad; Conecuh do. 420 bad; Greene do. 730 bad; Jackson do. 5,270 bad; Jefferson do. 1,210 bad 720 doubtful; Lawrence do. 1,891 bad; Limestone do. 1,600 bad; Morgan do. 176 doubtful; Madison do. 175 bad; Marengo do. 380 doubtful; Shelby do. 250 doubtful; Washington do. 211 bad; Wilcox do. 375 doubtful. Total, \$12,017 bad; \$1,901 doubtful.

[C.] *CAPITAL STOCK.*

	1825.	1832.
State Loan.....	\$100,000	\$200,000 00
University fund.....	56,612	175,127 83½
Three per cent fund.....	31,597	111,510 14
Seat of Government fund.....	37,860	
Revenue fund.....	27,576	252,820 53½
	\$253,645	\$739,458 50½

[D.] *Statement shewing the amount of accommodation on Notes to each County in this State, for the year 1831, including balances unpaid at the close of the year 1830.*

Autauga.....	\$45,625 00	Monroe.....	22,765 00
Baldwin.....	7,300 00	Madison.....	83,076 00
Bibb.....	26,253 00	Montgomery.....	53,450 00
Butler.....	13,662 00	Marion.....	17,945 00
Blount.....	8,150 00	Marengo.....	22,740 00
Conecuh.....	23,977 22	Mobile.....	33,860 00
Clarke.....	13,792 00	Morgan.....	46,275 00
Dallas.....	58,421 00	Pike.....	25,747 00
Franklin.....	47,430 00	Perry.....	49,965 00
Fayette.....	13,515 00	Pickens.....	14,164 00
Greene.....	56,998 00	St Clair.....	21,723 00
Henry.....	1,640 00	Shelby....	22,950 00
Jackson..	27,250 00	Tuscaloosa, including	\$42,000
Jefferson.....	30,884 00	loaned to University.....	156,470 00
Lawrence	59,366 00	Wilcox.....	35,037 00

Limestone..... 55,640 00 Washington..... 15,261 00
 Lauderdale..... 40,990 00

91,160,888 92

DANIEL M. RIGGS, *Cashier.*

BANK OF THE STATE OF ALABAMA, Tuscaloosa, January 10, 1832

Mr Acklen moved that the report lie on the table and that two hundred copies thereof be printed; which was carried.

On motion of Mr Acklen: *Resolved*, that the Senate be now informed that the House is ready to receive them for the purpose of going into the election of the three judges for the supreme court. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of three judges of the supreme court. Abner S. Lipscomb, Reuben Saffold, John M. Taylor, Andrew Crenshaw, and John J. Ormond being in nomination, for Mr Lipscomb 86; for Mr Saffold 82; for Mr Taylor 71; for Mr Crenshaw 26; for Mr Ormond 10.

Those who voted for Mr Lipscomb are, Messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmonds n Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Powell Smith Vining Walthall. Reps Messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goyne Goodwin Hall of B. Hall of A. Harris Hays Herbert Hickman Hubbard Johnson Keener Kilpatrick King of M. King of P. Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpatt Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedico Stephens Tarrant Terrell Toulmin Watkins Wilkinsen.

Those who voted for Mr Saffold are, messrs Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Powell Smith Vining Walthall. Reps. Messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyne Hall of B. Hall of A. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lockhart Loyd M'Afee M'Collum M'Kinley Moffett Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpatt Rather Riddle Ross Rugely Saunders of D. Saunders of L. Swink Snedico Stephens Tarrant Terrell Walker Watkins Wilkinsen.

Those who voted for Mr Taylor are, messrs Barclay Bridges Conner Coopwood Dupuy Edmonds n Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morton Pickett Powell Smith Vining Walthall. Reps. Abernathy Acklen Augustus Boyd Brodnax Campbell Carroll Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goyne Hall of A. Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Kilpatrick King of M. King of P. Lane Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Musgrove Nabers Norwood Oliver of C. Payne Peete Philpatt Rather Riddle Saunders of L. Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinsen.

Those who voted for Mr Crenshaw are, messrs President Abercrombie Anderson Hemphill Irwin of H. Perry. Reps. messrs Baker Cook Craig Goodwin Herbert Hollis Keener Lockhart Moore Oliver of M. Paul Ross Rugely Saunders of D. Shearer Snedico Toulmin Walker Ward.

Those who voted for Mr Ormond are, messrs President Edmondson. Reps. messrs Speaker Abernathy Campbell Craig Lane M'Rae M'Vay Ward.

Mr President voted for Mr Henry Hitchcock.

Abner S. Lipscomb, Reuben Saffold and John M. Taylor having received a majority of votes, Mr Speaker declared them duly and constitutionally elected judges of the supreme court of the State of Alabama. And the Senate withdrew.

And the House adjourned until Monday morning at 10 o'clock.

Monday, Jan. 16, 1832.—The House met pursuant to adjournment.

Mr Rather, from the select committee composed of the representation from Blount and Morgan, to whom was referred a bill entitled an act supplemen-

tal to an act to turnpike a road therein mentioned, approved Jan. 7th, 1830, reported the same with the following amendment: strike out all after the enacting clause and substitute another in lieu thereof; which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Erwin presented the petition of the president, vice-president and members of the Mobile chamber of commerce, praying an act of incorporation; which was read and laid on the table.

Mr Oliver of M. from the committee on inland navigation to whom was referred a bill to be entitled an act to authorize Joseph C. Garret and James W. Hill, of Madison county, to build a mill on the Paint Rock river, in said county, reported the following amendment: strike out the following in the fourth section: "in case at any time hereafter, the shoals or obstructions in said river should be removed, so as to render the contemplated dam an impediment to the navigation of said river;" which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed and read the third time forthwith and passed. Yeas 38—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Augustus Boyd Carroll Cook Drish Fontaine Foster Gilbreath Gayne Hall of B. Harris Herbert Hollis Johnston Kilpatrick King of P. Lane Lockhart Loyd M'Affee Musgrove Oliver of M. Paul Rather Riddle Ross Saunders of D. Shackelford Shearer Stephens Terrell Toulmin Walker Watkins Wilkinson

Those who voted in the negative are, messrs Baker Brodnax Campbell Craig Dellet Erwin Faulk Farrar Goodwin Hall of A. Hays Hubbard Kneer M'Collum M'Kinley M'Rea M'Vay Moffett Moore Nibors Norwood Oliver of C. Payne Philpot Rugely Saunders of L. Swink Tarrant Ward.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by mr Conner: Mr Speaker—The Senate have passed bills of the following titles, viz: An act for the relief of John Lawler, of Shelby county; an act to amend an act authorizing the raising of three thousand dollars for the purpose of building a bridge across Shoal creek, approved the 20th of January, 1828; an act to amend an act entitled an act for the government of the port and harbor of the city of Mobile; an act to authorize the commissioners court of roads and revenue to grant private roads in certain cases. They concur in the resolution of the 10th instant, proposing that the two Houses will convene on to-morrow at the hour of 12 o'clock, for the purpose of electing a judge of the county court of Monroe county, by striking out the words "this day at 12 o'clock," and insert in lieu thereof the words "half past 3 o'clock on Thursday evening next:" in which they ask the concurrence of the House of Representatives. They have also passed bills which originated in the House of Representatives of the following titles, viz: An act to incorporate the Montgomery Railroad Company; an act to change the names of certain persons therein named; an act to divide the twelfth regiment of this State; an act amendatory of an act, passed the 20th January, 1830, authorizing Nathaniel Clark to emancipate certain slaves therein named; an act to incorporate the town of Larkinsville, in Jackson county, and the town of Irwinton, in Pike county; an act authorizing William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate; an act to allow compensation to the petit jurors in the county of Conecuh; an act to repeal in part a certain act therein named; an act for the relief of Catharine C. Craig, lately

Catharine C. Bryant. They concur in the amendments made by the House of Representatives, to the bill from the Senate entitled an act in part to repeal an act to incorporate the town of Carrollton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved 15th January, 1831. They concur in the amendments of the House of Representatives, to the bill entitled an act for the relief of William T. Rounsiville. They recede from their amendment to the bill from the House of Representatives, entitled an act to authorize the judge of the county court of Tuscaloosa county and commissioners of revenue and roads to apportion all persons living within one mile of the Huntsville road, living in Bibb county, to work on said road. The Senate disagree to the amendment made by the House of Representatives, to their bill entitled an act to reduce into one the several acts relative to the fees of judges and clerks of the county courts in the several counties of this State, and for other purposes. They disagree to the amendments made by the House of Representatives, to the bill from the Senate entitled an act to authorize James Doran to emancipate certain slaves therein named. They did, on the 13th instant, reject a bill from the House of Representatives, entitled an act to incorporate a Bank to be located at such place as shall be determined upon by a joint vote of both Houses of the General Assembly at the present session, to be called the Merchants' and Farmers' Bank of the State of Alabama.

Mr Johnston, from the select committee to whom was referred the bill from the Senate entitled an act to revive and amend the laws regulating patrols, reported a substitute in lieu thereof. **Mr Musgrove** moved that the bill lie on the table; which was carried.

The bill from the Senate entitled an act for the relief of John Lawler, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the military committee to consider and report thereon.

The bill from the Senate entitled an act to amend an act entitled an act authorizing the raising of three thousand dollars for the purpose of building a bridge across Shoal creek, approved the 7th of January, 1828, was read and ordered to a second reading.

The bill from the Senate entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, passed Dec. 23d, 1822, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the members of Mobile and Baldwin counties.

The bill from the Senate entitled an act to authorize the commissioners court of roads and revenue to grant private ways in certain cases, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, the bill was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Ordered, that the House insist on their several amendments to the bill from the Senate entitled an act to reduce into one the several acts in relation to the fees of the judges and clerks of the county courts in the several counties of this State, and for other purposes.

Mr Stephens moved that the House recede from their amendment to the bill from the Senate entitled an act to authorize James Doran to emancipate certain slaves therein named; which was carried.

Ordered, that the House concur in the amendment made by the Senate to

the resolution, proposing to go into the election of a judge of the county court of Monroe county.

Mr Baker presented the petition of J. W. Freeman and others, owners of a wharf in the town of Montgomery, praying an act of incorporation; which was read and laid on the table.

A message from the Governor by James I. Thornton.

EXECUTIVE DEPARTMENT, January 16, 1832.

To the Senate and House of Representatives:

I have to inform the General Assembly, that the Hon. A. S. Lipscomb, R. Seffield and John M. Taylor, having been elected to the bench of the supreme court, have accepted their appointments, and have resigned their offices as judges of the circuit court. John J. Winston has also resigned his commission as a member of the board of internal improvement.

JOHN GAYLE.

Ordered, that said message lie on the table.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill from the House of Representatives entitled an act to incorporate the Tennessee and Alabama Railroad company, which they have amended as therein set forth; they have also passed a bill to be entitled an act supplementary to an act to organize a separate supreme court, passed 14th January 1832, in both of which they ask the concurrence of the House of Representatives.

Mr Fontaine, from the committee on the State bank to whom was referred the bill from the Senate entitled an act to establish a branch Bank of the State of Alabama, reported the same with sundry amendments, and also by the addition of Sections No. twelve, thirteen, fourteen and fifteen. Mr M'Kinley moved to amend the first section of the bill by striking out the words "be and the same is hereby established at such place as shall be determined upon by joint vote of both Houses of the General Assembly at the present session to," with a view to insert these words "to be established at."

The hour of 12 o'clock having arrived, Mr M'Rea moved that the orders of the day be suspended for the present; which was carried.

The question then recurred upon Mr M'Kinley's motion, and determined in the negative. Yeas 22—Nays 44.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklin Craig Dellet Erwin Faulk Goyne Hall of B. Hays Hollis Kilpatrick M'Kinley M'Vay Musgrove Oliver of C. Peete Philpot Riddle Ross Shearer Stephens Walker Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Boyd Broadnax Campbell Carroll Cook Drish Fontaine Foster Gilbreath Goodwin Hall of A. Harris Herbert Hickman Hubbard Johnson Keener King of P. Lane Lockhart Loyd M'Collum M'Rea Moffet Moore Nabors Norwood Oliver of M. Paul Rather Rugely Saunders of D. Saunders of L. Shackelford Swink Snedcor Tarrant Terrell Toulmin Ward Watkins.

And then the House adjourned until this evening at half past 3 o'clock.

Evening Session, half past 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of the bill from the Senate entitled an act to establish a branch bank of the State of Alabama. Mr Baker moved to disagree to the amendments by the committee to said bill; which was lost. The amendments were then severally concurred in by the House. Mr M'Kinley moved to amend the first section of the bill by adding the following provision: "provided two-thirds of both Houses of the General Assembly concur in locating said branch Bank;" which was lost. Yeas 23—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are, messrs Craig Dellet Erwin Hall of B. Hays Hollis M'Affee M'Collum M'Kinley M'Vay Musgrove Oliver of C. Payne Peete Philpot Riddle Ross Shearer Snedcor Stephens Walker Ward Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Augustus Baker Bradner Campbell Carroll Cook Drish Faulk Farrar Fontaine Foster Gilbreath Gordon Gayne Hall of A. Harris Herbert Hickman Hubbard Johnston Keene Kilpatrick King of P. Lane Lockhart Loyd M'Rea Moffett Moore Nabors Norwood Oliver of M. Paul Rather Rugely Saunders of D. Saunders of L. Shackelford Swank Tarrant Terrell Toulmin Watkins.

Mr Fontaine moved to amend the fourth section of the bill and sixth specification, by striking out the word "directors" and insert "director;" which was carried. It was then made the special order of the day for a third reading on to-morrow.

Mr Herbert made the following report: the committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: an act to authorize the commanding officers of the forty-ninth regiment in the eleventh brigade of the Alabama militia, to form two company beats with a less number than forty privates in the county of Pike; an act to authorize Thos. H. Hutchins, guardian of Washington Paul Hutchins, to sell certain lands therein specified; an act for the relief of James A. Thompson, late tax collector of Dallas county; an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the lands which belonged to said decedent, and for other purposes; an act to limit actions against the securities of officers; an act to amend an act to authorize the sales of sixteenth sections, passed January the 15th 1828; which were signed by mr Speaker.

A message from the Senate by mr Morton: Mr Speaker—The Senate have passed bills of the following titles, to wit: An act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh; an act to alter the time of holding the circuit courts in certain counties therein named; in which they ask the concurrence of the House of Representatives. They have also passed a bill from the House of Representatives entitled an act for the relief of William S. Hays.

A message from the Governor by mr Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did this day approve and sign the following bills: An act for the relief of Winifred Jemison, wife of John Jemison; an act to extend the jurisdiction of the State of Alabama over the territory according to the geographical boundaries within the limits of the said State, and for other purposes; an act authorizing the judge of the county court of Montgomery county to grant permission to Robert J. Ware and others, to make titles to certain lands therein named; an act to compensate the commissioners of revenue and roads of the counties therein named; an act to incorporate the Planters' Wharf and Steamboat company, in the town of Montgomery; and an act to prevent the introduction of slaves into Alabama, and for other purposes: all of which originated in the House of Representatives.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act to incorporate the Tennessee and Alabama Railroad company.

The bill from the Senate entitled an act supplementary to an act entitled an act to organize a separate supreme court, passed 14th January 1832, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, the bill was then read a third time forthwith and passed the Senate. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the relief Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh, was read a first time. Mr Watkins moved that the

constitutional rule be dispensed with, and that the bill be read a second time forthwith; which was lost, there not being four fifths voting in favour of the suspension. Yeas 40—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Brodnax Campbell Cook Craig Erwin Faulk Goodwin Goyne Hall of B. Harris Hays Hollis Hubbard Johnson Keener M'Kinley M'Rea M'Vay Moffett Moore Musgrove Norwood Oliver of c. Payne Philpot Rather Riddle Ross Rugely Saunders of L. Snedcor Stephens Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Speaker Acklen Carroll Dellet Drish Farrar Fontaine Foster Herbert Kilpatrick King of P. Lane Lockhart M'Affee M'Collum Nabors Oliver of m. Paul Peete Saunders of D. Shackelford Swink Terrell.

Upon a question of order, Mr M'Vay in the chair, Mr Chairman decided that the bill entitled an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh, was of a general character; from which decision Mr Acklen appealed.

Those who voted in favor of sustaining the chair are, messrs Speaker Abernathy Augustus Brodnax Campbell Cook Craig Dellet Erwin Faulk Fontaine Goodwin Goyne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick Lane M'Affee M'Collum M'Kinley M'Rea Moffett Moore Musgrove Nabors Norwood Oliver of c. Payne Peete Philpot Rather Riddle Rugely Saunders of D. Saunders of L. Shearer Swink Snedcor Stephens Toulmin Walker Ward Watkins and Wilkinson.

Those who voted against the decision of the Chairman are, Messrs Acklen Baker Carroll Drish Foster Herbert King of P. Lockhart Oliver of m. Paul Shackelford.

So the decision of the chair was sustained. The bill was then ordered to a 2 reading, and made the special order of the day for to-morrow at 11 o'clock.

And then the House adjourned until 10 o'clock to-morrow morning.

Tuesday, Jan. 17, 1832.—The House met pursuant to adjournment.

The bill from the Senate entitled an act to alter the time of holding the circuit courts in certain counties therein named, was read a first time and ordered to a second reading.

Mr Farrar, from the military committee to whom was referred the engrossed bill from the Senate entitled an act for the relief of John Lawler, reported the same without amendment, and recommend the passage of the bill; and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Peete made the following report:

The select committee which was appointed to examine the office of the Clerk of the Supreme Court of the State of Alabama, have performed that duty, and ask leave to report, that from calculation it appears that for three years past the clerk has received in cash the gross amount of \$7,174 82. For the same length of time he has paid for clerk hire and other incidental and indispensable expenses, the sum of \$2,100, which deducted from the gross amount, leaves \$5,074 82, which, divided by three, will make an annual average of \$1,691 30. The committee would further state, that the clerk is necessarily compelled to perform a great deal of labor, for which he receives no compensation, particularly in State cases, the records of which are generally voluminous. The committee would further state, that in many cases the clerk receives no fees in consequence of the insolvency of the parties; and that he is often subjected to much expense in making his collections. The committee respectfully submit the facts to the House, and request to be discharged from the further consideration thereof.

Mr Peete moved that the report lie on the table; which was carried.

Mr Oliver of C. from the committee of ways and means, reported a bill to be entitled an act making appropriations for the year eighteen hundred and thirty-two, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and committed to the committee on ways and means.

Mr Erwin made the following report: The committee of conference appointed on the part of the House of Representatives, on the subject of the bill to be entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene, and Pickens, approved January the 20th, 1830, have instructed me to report, that the Senate has refused to appoint a committee on their part, and ask leave to be discharged from the further consideration of the same. Mr Moffett moved that the bill lie on the table; which was carried.

Mr Riddle made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz: An act to change the names of certain persons therein named; an act amendatory to an act, passed 20th of January, 1830, authorizing Nathaniel Clark to emancipate certain slaves therein named; an act to repeal in part an act therein named; an act authorizing the judge of the county court of Tuscaloosa county, and commissioners of revenue and roads, to apportion all persons within one mile of the Huntsville road living in Bibb county, to work on said road; an act for the relief of Catharine C. Craig, lately Catharine C. Bryant; an act to divide the twelfth regiment of the militia of this State; and an act for the relief William S. Hays; which were signed by Mr Speaker.

Mr Lane, from the committee on accounts to whom was referred the bill entitled an act making appropriations for certain claims against the State, reported sundry amendments. Mr Toulmin moved to amend the amendment by striking out the words, "two hundred and thirty-five dollars," with the view to insert the words "two hundred and forty-five;" which was lost. The amendment was concurred in. Mr Lane moved to amend the amendment, by adding the words, "and Thomas J. Abbott the sum of fifty dollars;" which was adopted.

Mr Erwin moved to amend the first section with the following: "add seven dollars to the amount allowed T. L. Toulman, which sum of \$7 was the term fees, and has been deducted from the account by the committee; and further to amend the bill by adding \$15 to the amount allowed J. Hall; which was lost. Yeas 23—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Augustus Baker Campbell Cook Erwin Faulk Farrar Gilbreath Hall of A. Harris Hickman Hubbard Keener Norwood Oliver of C. Ross Rugely Tarrant Ward Watkins.

Those who voted in the negative are, Messrs Speaker Boyd Brodnax Craig Dellet Drish Fontaine Foster Goodwin Goyne Herbert Hollis Johnston Kilpatrick King of P. Lane Lockhart Loyd M'Affee M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of M. Paul Payne Peete Philpot Rather Riddle Saunders of D. Saunders of L. Shackleford Shearer Swink Snedcor Stephens Terrell Wilkinson.

Mr Philpot moved to amend the bill by adding thereto an additional section; which was adopted. Mr Baker moved that the bill be recommitted to the committee on accounts; which was carried.

A message from the Senate by mr Morton: Mr Speaker—The Senate have passed bills of the following titles, in which they ask the concurrence of the House of Representatives, to wit: An act for the relief of James Moore and William White, of Bibb county; an act to incorporate the town of Centreville, in the county of Bibb; an act to authorize William Reed, of Perry county, guardian of John Stevens, to sell and convey certain real estate; an act to attach to certain counties therein named, the territory west of the Tombeckbe river; an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Greensborough, in the county of Greene, approved Dec. 24, 1823. They have also passed bills of the following titles,

from the House of Representatives, to wit: An act to authorize John Wilks, administrator of Philip Wilks, dec. to make titles to certain tracts of land therein specified; an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to a certain tract of land therein specified; an act for the relief of the inhabitants of the 4th township, of the 11th range, west; an act to incorporate the Montgomery volunteer company, under the style of the Montgomery Huzzars; an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed January 13, 1827, which they have amended as set forth in the same; memorial to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama; an act authorizing the Trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money, which last they have amended as therein set forth, and in which they ask the concurrence of the House of Representatives. They disagree to the amendment made by the House of Representatives to the amendment of the Senate to the second section of the bill to be entitled an act to discontinue and establish certain election precincts therein specified, but concur in all the other amendments made by the House to those of the Senate to said bill.

Bills from the Senate of the following titles, to wit: An act for the relief of James Moore and William White, of Bibb county; an act to incorporate the town of Centreville, in the county of Bibb; an act to authorize William Reed of Perry county, guardian of John Stevens, to sell and convey certain real estate, were read the first time, and the rule requiring bills to be read on three several days being dispensed with, they were then read the second time forthwith, and the rule being further dispensed with, they were then read the third time forthwith and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to attach to certain counties therein named, the territory west of the Tombeckbe river, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. It was then referred to a committee composed of the members from the counties of Greene, Washington, Marengo, Pickens, Franklin and Marion, to consider and report thereon.

The bill from the Senate entitled an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Greensborough, in the county of Greene, approved December 24, 1823, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second time forthwith, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act to amend an act entitled an act to raise a revenue for the support of government until otherwise altered by law, passed January 13, 1827.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have read three several times and passed a bill to be entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved July 20, 1830; in which they ask the concurrence of the House of Representatives.

The House then proceeded to the consideration of the engrossed bill entitled an act authorizing the Trustees of the University of the State of Ala-

bama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money. The Senate amended the bill as follows: Amend the title by striking out the whole of it, and inserting the following substitute: "An act to declare free from forfeiture certain lands therein named, and for other purposes;" also, by striking out all after the enacting clause, and substituting an amendment in lieu thereof. Mr Speaker decided that the amendments of the Senate should be read three several times; from which decision Mr Hubbard appealed, and the decision of Mr Speaker was overruled by the House.

Those who voted for sustaining the decision are, (Yeas 21.) messrs Acklen Boyd Carroll Drish Foster Gilbreath Goodwin Goyne Hall of A. Hall Johnston Kilpatrick King of P. Lockhart Loyd M'Collum Moore Nabors Paul Peete and Terrell.

Those against are, (Nays 29.) messrs Abernathy Baker Brodnax Campbell Cook Craig Dellet Faulk Fontaine Harris Hickman Hubbard M'Kinley M'Ray M'Vay Moffett Oliver of C. Oliver of M. Payne Philpot Rather Riddle Saunders of L. Shackelford Snedden Stephens Tarrant Teunim and Walker.

And then the House adjourned until half past 3 o'clock this evening.

Evening session half past 3 o'clock.—The House resumed the consideration of the amendments made by the Senate to the bill entitled an act authorizing the Trustees of the University of the State of Alabama, to sell and dispose of the lands forfeited to the University for the non-payment of the purchase money. Mr Acklen offered the following amendment: Strike out from the word "that," to the word "in," at the last of the second line, and insert in lieu thereof, the words "all the lands." After the word "Aldridge," in the 4th line, insert "and for which he is now indebted." Mr M'Kinley moved the previous question. The question was, Shall the call be sustained, and lost. Yeas 32—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Boyd Campbell Craig Erwin Faulk Farrar Gilbreath Goodwin Hall of A. Hays Hickman Hollis Hubbard Johnston Keener Lockhart M'Kinley M'Ray M'Vay Moffett Musgrove Norwood Oliver of C. Payne Rugely Saunders of L. Swink Stephens Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Carroll Cook Dellet Drish Fontaine Foster Goyne Hall of B. Harris Kilpatrick King of M. King of P. Loyd M'Atlee M'Collum M'Rea Moore Nabors Oliver of M. Paul Peete Philpot Rather Riddle Saunders of D. Shackelford Tarrant Terrell Watkins and Wilkinson.

The question was then on concurring with the amendments as amended, and lost. Yeas 27—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Campbell Cook Craig Erwin Faulk Hays Hickman Hubbard Keener M'Kinley M'Ray M'Vay Moffett Moore Musgrove Oliver of C. Payne Philpot Rather Riddle Rugely Saunders of L. Stephens Ward and Watkins.

Those who voted in the negative are, messrs Speaker Acklen Augustus Boyd Carroll Dellet Drish Farrar Fontaine Foster Gilbreath Goodwin Hall of A. Hall of B. Harris Hollis Johnston Kilpatrick King of M. King of P. Lockhart Loyd M'Atlee M'Collum Nabors Oliver of M. Paul Peete Saunders of D. Shackelford Swink Tarrant Terrell Walker and Wilkinson.

Ordered, that the House recede from their amendment to the amendment made by the Senate to the second section of the bill entitled an act to discontinue and establish certain election precincts therein specified. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act supplementary to an act entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens, approved July 20, 1830, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith and passed. *Ordered*.

that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Herbert moved that the orders of the day be suspended; which was carried.

Mr Herbert then made the following report: The committee on enrolled bills to whom was referred a bill to be entitled an act to repeal in part an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, passed July 7, 1832, have amended the bill by striking out all the caption, with a view of substituting the following: A bill to be entitled an act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, approved January 16, 1832; which was concurred in. And the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to establish a Branch Bank of the State of Alabama, was read the third time. Mr Baler moved to amend the bill by way of engrossed ryder, by adding thereto two additional sections; which were read three several times considered as engrossed and adopted. The bill was then passed. Yeas 46—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Augustus Baker Boyd Brodna xCampbell Carroll Cook Drish Fontaine Foster Gilbreath Goodwin Hall of A. Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Lockhart M'Collum M'Rea M'offett Moore Nabors Oliver of M. Paul Peete Philpot Riddle Rugely Saunders of D. Saunders of L. Shackelford Swink Snedcor Stephens Tarrant Terrell Toulmin and Ward.

Those who voted in the negative are, messrs Speaker Craig Dellet Erwin Farrar Goyne Hall of B. Hollis M'Afee M'Kinley M'Vay Musgrove Oliver of C. Rather Walker Watkins and Wilkinson.

Mr Cook moved to amend the title of the bill by adding the words "of the," between the words "Branch," and "Bank;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Oliver of C. moved to suspend the rule in relation to bills on their third reading, for the purpose of taking into consideration the bill entitled an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh; which was carried. Yeas 40—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Brodnax Campbell Carroll Cook Erwin Gilbreath Goyne Hall of B. Hollis Hubbard Johnston Keener Kilpatrick King of P. M'Afee M'Collum M'Kinley M'Rea M'Vay Moore Nabors Norwood Oliver of C. Philpot Rather Riddle Rugely Saunders of D. Saunders of L. Shackelford Snedcor Stephens Tarrant Toulmin Walker Ward and Watkins.

Those who voted in the negative are, messrs Speaker Acklen Craig Dellet Drish Farrar Fontaine Foster Hall of A. Herbert Hickman King of M. Loyd Musgrove Paul Peete Terrell and Wilkinson.

The bill was then read a second time. Mr Acklen moved that the bill be indefinitely postponed; which was lost. Yeas 25—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Carroll Dellet Drish Farrar Fontaine Foster Hall of A. Herbert Kilpatrick King of M. King of P. Lockhart Loyd M'Afee M'Collum Nabors Paul Peete Saunders of D. Shackelford Tarrant Terrell and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Baker Brodnax Campbell Cook Craig Erwin Faulk Hall of B. Harris Hays Hollis Hubbard John-

ston Keener M'Kinley M'Rea M'Vay Moffett Moore Musgrove Norwood Oliver of C. Payne Philpott Rather Riddle Rugely Saunders of L. Shearer Swink Snedcor Stephens Toulmin Walker Ward and Watkins.

The bill was then ordered to a third reading.

Mr M'Kinley moved that the House adjourn until to-morrow morning 10 o'clock; which was lost. Mr Carroll moved that the House adjourn until half past 7 o'clock; which was lost.

Mr M'Kinley moved to adjourn to half past 9 o'clock to-morrow; which was lost.

The House adjourned until 7 o'clock this evening.

Evening session 7 o'clock.—The House met pursuant to adjournment.

Mr Stephens moved to suspend the orders of the day for the present; which was carried.

Mr Stephens called up the joint resolutions recommending Andrew Jackson for the Presidency of the United States. Mr Campbell moved that the resolutions be referred to a select committee; whereupon Messrs Campbell, Hall of B. and Lane were appointed said committee, with instructions to report on to-morrow morning.

Mr Saunders of D. moved to suspend the orders of the day preceding 127, for the purpose of taking into consideration the bill entitled an act to sell a lot in the town of Cahawba; which was carried. The bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Wilkinson moved to suspend the orders of the day preceding 277, for the purpose of taking into consideration a joint resolution to provide by subscription for a map of the State of Alabama; which was carried. The resolution was then read a second time. Mr Paul moved to amend it, by striking out "37," to insert "73;" which was lost. Yeas 15—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Fontaine Foster Gilbreath Hubbard Johnston Oliver of M. Paul Riddle Saunders of D. Shackelford Snedcor Terrell Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Faulk Farrar Goodwin Goyne Hall of A. Hall of B. Hickman Hollis Keener King of P. Lane Lockhart Loyd M'Afee M'Collum M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Pecte Philpott Rather Saunders of L. Stephens Tarrant Toulmin Walker Ward Watkins.

Mr Abernathy moved that the resolution be indefinitely postponed; which was lost. Yeas 27—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Brodnax Campbell Craig Farrar Goodwin Goyne Hall of A. Hollis Kilpatrick Lane Lockhart Loyd M'Collum M'Kinley M'Rae M'Vay Musgrove Nabors Norwood Payne Pecte Shackelford Stephens Walker Ward Watkins.

Those who voted in the negative are, messrs Speaker Augustus Baker Boyd Carroll Cook Dellet Drish Erwin Faulk Fontaine Foster Gilbreath Hall of B. Herbert Hickman Hubbard Johnson Keener King of P. M'Afee Moffett Moore Oliver of C. Oliver of M. Paul Philpot Rather Riddle Saunders of D. Saunders of L. Snedcor Tarrant Terrell Toulmin Wilkinson.

The resolution was ordered to be engrossed for a third reading.

Mr Hall of B. moved to suspend the orders of the day preceding No. 150, for the purpose of taking into consideration the bill entitled an act making provision for taxing of cattle in this State which are the property of non-residents; which was lost.

Mr Hubbard moved that the orders of the day be suspended for the present; which was carried.

Mr Hubbard then called up the bill entitled an act for the better regulation of the militia of the State of Alabama. Mr M'Vay moved to amend the bill by adding thereto an additional section. Mr Dellet moved the previous question. The question was, shall the call be sustained? and passed in the affirmative. Yeas 31—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messes Speaker Abernathy Baker Brodnax Cook Dellet Drish Fontaine Foster Gilbreath Goodwin Hall of B. Harris Herbert Hickman Keener Kilpatrick Lane Moore Oliver of M. Paul Rather Riddle Saunders of D. Saunders of L. Snedikor Tarrant Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, mrsess Augustus Boyd Campbell Erwin Farrar Goyne Hall of A. Hays Johnston King of P. Leckhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Payne Peete Philpot Shackleford Stephens Walker Ward.

The main question was on ordering the bill to a third reading, and the question being put, shall this bill be engrossed and read a third time? it was determined in the affirmative. Yeas 32—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Abernathy Augustus Baker Cook Dellet Drish Fontaine Foster Gilbreath Goodwin Hall of B. Harris Herbert Hickman Johnston Keener Kilpatrick King of P. Lane Moore Oliver of C. Oliver of M. Paul Riddle Saunders of D. Saunders of L. Snedikor Terrell Toulmin Watkins and Wilkinson.

Those who voted in the negative are, messrs Boyd Brodnax Campbell Craig Erwin Farrar Goyne Hall of A. Hays Leckhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Musgrove Nabors Norwood Payne Peete Philpot Rather Shackleford Stephens Tarrant Walker and Ward.

Mr Baker moved to suspend the orders of the day preceding No. 285, for the purpose of taking into consideration the bill from the Senate entitled an act to provide for digesting the laws of the State of Alabama; which was carried. The bill was then read a second time. Mr Rather moved to amend the first section, by striking out the words, "one head," to insert the words "appropriate heads;" which was carried. Mr Campbell moved to amend the bill, by adding thereto the following section: "*And be it further enacted,* that it shall be the duty of the compiler also to digest and arrange in a separate volume, all private acts, and prepare separate indexes thereto." Mr Baker moved to amend Mr Campbell's amendment with the following: "for which he shall receive a compensation to be allowed by the next session of the General Assembly;" which was adopted. Mr Johnston moved to amend Mr Campbell's amendment with the following: after the word "thereto," insert the following, "and give the English signification of all the Latin words in the statute laws, in marginal notes or in a table;" which was adopted.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Augustus Brodnax Cook Craig Drish Faulk Foster Hall of A. Herbert Hubbard Johnson Keener Kilpatrick King of P. Lane Loyd M'Collum M'Rea M'Vay Musgrove Nabors Oliver of M. Paul Payne Philpot Saunders of L. Snedikor Tarrant Terrell Ward.

Those who voted in the negative are, Messrs Speaker Baker Campbell Carroll Dellet Farrar Fontaine Gilbreath Goodwin Goyne Hall of B. Hickman Lockhart M'Afee Moffett Moore Norwood Peete Rather Riddle Saunders of D. Shackleford Stephens Toulmin Walker and Wilkinson.

Mr Campbell then asked leave to withdraw the amendment; which was granted. Mr Dellet called for the previous question. The question was, Shall the main question be now put? which was, passed in the affirmative. The main question was on ordering the bill to a third reading, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned until 10 o'clock to-morrow morning.

Wednesday, Jan. 18, 1832.—The House met pursuant to adjournment.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have passed a memorial of the General Assembly of the State of Alabama to the Congress of the United States for the relief of William Williams and William Bush: in which they desire the concurrence of the House of Representatives. They have also passed bills of the following titles, which originated in the House of Representatives, viz: an act to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, approved January 13, 1831; an act to authorize the establishment of a road from Florence to the Tennessee line; an act to add a part of the county of Tuscaloosa to Fayette county; an act for the relief of Thompson Chiles and others.

Memorial from the Senate of the General Assembly of the State of Alabama to the Congress of the United States for the relief of William Williams and William Bush, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr M'Kinley introduced a bill to repeal all laws prohibiting the judges of the supreme court sitting in cases in which they have given opinions in the circuit court; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with it was considered as engrossed, read the third time forthwith and passed. Yeas 56—Nays 3.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Acklen Brodnax Campbell Carroll Deilett Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyns Hall of B. Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Loyd M'Affee M'Kinley M'Rra M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Paul Payne Peete Phitpott Rather Ross Ruggely Saunders of D. Saunders of L. Shackelford Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Craig Hall of B. and M'Collum.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Watkins made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, viz: an act for the relief of the inhabitants of the 4th township, of the 11th range, west; an act to incorporate the Montgomery volunteer company, under the style of the Montgomery Huzzars: an act to allow compensation to the petit jurors of the county of Conecuh; an act to incorporate the town of Larkinsville, in Jackson county, and town of Irwinton in Pike county; an act to authorize Samuel Savage, administrator of Alexander Farris, to make titles to a certain tract of land therein specified; an act to authorize John Wilkes, administrator of Philip Wilkes, deceased, to make titles to certain tracts of land therein specified; a memorial to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama: which were severally signed by Mr Speaker.

Mr Hubbard, from the committee on roads, bridges and ferries to whom was referred a bill to be entitled an act concerning the establishment of public ferries, reported an amendment by way of proviso, to come in at the end of the first section. The report, bill and proposed amendment were then on motion of Mr Hubbard ordered to lie on the table.

Mr Erwin, from the select committee to which was referred the bill from the Senate to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, passed Dec. 23, 1822, reported the same with the following amendments: in the first section and in the fourth line strike out the words "first Monday in November next," and insert the following words: "second Monday in the year 1834;" which were concurred in, and the rule requiring that bills, &c. shall be read on three several days being dispensed with, the bill was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Carroll, from the committee on the military to whom was referred an engrossed bill from the Senate to be entitled an act to remove a portion of the public arms to the town of Montgomery, reported the same back to the House, and that it is inexpedient to pass the same under the present arrangement for procuring guns, and also an additional section No. 5 thereto. On motion, the report was ordered to lie on the table. The House then took into consideration the bill, and the question being on concurring in the amendment reported by the committee, it was determined in the affirmative. Mr Hubbard moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof a substitute. Mr Baker moved that the bill be recommitted to the committee on the military; which was lost. The question then recurred on Mr Hubbard's amendment; which was carried. The substitute was then read a second time and ordered to be engrossed for a third reading. Mr Hubbard then moved to reconsider the vote on ordering the substitute to be engrossed for the third reading; which was carried. The substitute was then considered as engrossed, read the third time and passed. The title of the bill was then amended by striking out all after the word "act" and inserting in lieu thereof the words "for the distribution of the public arms." *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Lane offered the following resolution: *Resolved*, that with the concurrence of the Senate the two Houses will convene in the House of Representatives this evening at the hour of 7 o'clock for the purpose of going into the election of judges for the first, second and fifth judicial circuits. Mr Craig moved to amend the resolution by striking out the word "this" and inserting the word "on Friday;" which was carried. The resolution as amended was then adopted.

Mr Rather offered the following resolution: *Resolved*, that the rule of this House which requires that local business only shall be considered on Thursdays, Fridays and Saturdays, be, and the same is hereby rescinded; which lies over one day for consideration.

Mr Riddle, from the select committee to whom was referred a bill from the Senate entitled an act to attach to certain counties therein named the territory west of the Tombecbe river, reported it back to the House with sundry amendments, to wit: In section first strike out the words "mouth of Horse creek," and insert in lieu thereof the words "residence of Maj. John M'Grew." In section second strike out the words "Reed's Mill creek" and insert in lieu thereof the words "the Warrior river." Also two additional sections to come in after the fourth section, and an additional section at the end of the bill; which were severally concurred in. Mr Baker moved to amend the bill by striking out the 7th and 8th sec. (sections No. 5 and 6 in the original bill.)

The hour of 12 o'clock having arrived when the orders of the day are to be considered, Mr Speaker announced the same to the House.

Mr Riddle moved to suspend the consideration of the orders of the day for the purpose of considering the bill under consideration; which was lost.

The House then proceeded to the consideration of the orders of the day.

Mr Hubbard moved to suspend the rule which gives a preference to bills on the third reading; which was lost.

The engrossed memorial to the Congress of the United States on the subject of the Bank of the United States being under consideration, Mr Baker moved that it lie on the table; which was lost. Yeas 25—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Brodnax Cook Foster Goodwin Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Moore Nabors Oliver of M. Paul Peete Rugely Saunders of D. Tarrant Terrell Ward and Wilkinson.

Those who voted in the negative are, messrs Acklen Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Fontaine Gilbreath Gayne Hall of A. Hays M'Affee M'Collum M'Kinley M'Way Moffett Musgrove Norwood Oliver of C. Payne Philpott Rather Riddle Ross Saunders of L. Shackelford Shearer Swink Snedcor Toulmin Waker.

The bill was then read the third time. Mr M'Kinley moved a call of the previous question; which was not sustained. Yeas 31—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Boyd Erwin Faulk Farrar Gayne Hall of A. Hall of B. Hays Hollis Johnston Kilpatrick King of M. M'Affee M'Collum M'Kinley M'Rea M'Way Moffett Norwood Oliver of C. Payne Rather Riddle Saunders of L. Shackelford Shearer Swink Snedcor Toulmin and Walker.

Those who voted in the negative are, messrs Speaker Abernathy Baker Brodnax Carroll Cook Craig Drish Fontaine Foster Gilbreath Harris Herbert Hickman Hubbard Keener King of P. Loyd Moore Musgrove Nabors Oliver of M. Paul Peete Philpott Ross Rugely Saunders of D. Tarrant Terrell Ward and Wilkinson.

Mr Baker offered the following amendment to the resolution: *And be it further resolved*, that this State is unwilling that this amount of money, for the purposes of this Bank, should be raised by means of the tariff. Mr Cook moved that the further consideration of the memorial be postponed till Saturday next: which was carried.

Engrossed bills of the following titles to wit: an act more effectually, to secure to militia officers the infantry tactics received by this State from the General Government; an act to change the time of holding the circuit courts in the second judicial circuit, and an act relating to the alternating of the judges of the circuit courts of this State, were severally read the third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Morton was received, which is as follows: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, with the concurrence of the House of Representatives, that both Houses of the Legislature will convene in the Representative Hall for the purpose of electing judges of the first, second and fifth judicial circuits, at half past 3 o'clock P. M. on to-morrow, in which they ask the concurrence of the House of Representatives.

Mr Philpott moved that the message lie on the table; which was carried.

The engrossed bill from the Senate entitled an act for the relief of Francis Boykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Conecuh, was read the third time. Mr Pael offered the following as an engrossed rider thereon "Provided, that the said persons enter into bond, renewable every sixteen years, conditioned that should the value of said land improve, they will pay to the trustees of the University the said improved value;" which was read the first time, and rejected.

And then the House adjourned until half past 3 o'clock P. M.

Evening Session, half past 3 o'clock.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed joint resolutions to adjust and settle the claims of the trustees of the University, against certain persons for lands which have been forfeited to said trustees, in which they ask the concurrence of the House of Representatives.

The House resumed the consideration of the bill from the Senate entitled an act for the relief of Francis Baykin, Thomas Reeves and Caleb Johnson, purchasers of University lands in the county of Connech. Mr Acklen moved that a call of the House take place; which was lost. Yeas 29—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Boyd Carroll Dellet Drish Farrar Fontaine Foster Hall of B. Herbert Kilpatrick King of M. King of P. Lane Lockhart Loyd M'Afee M'Collum Nabors Oliver of M. Paul Peete Rather Saunders of D. Shackleford Tarrant Terrell Wilkinson.

Those who voted in the negative are, messrs Abernathy Baker Brodnax Campbell Cook Craig Erwin Faulk Goodwin Goyne Hall of A. Harris Hays Hubbard Johnston Keener King Lea M'Kinley M'Rea M'Vay Moffett Moore Musgrove Norwood Oliver of C. Payne Philpott Riddle Ross Rugely Saunders of L. Shearer Swink Snedcor Stephens Toulmin Walker Ward Watkins.

Mr Abernathy called for the previous question, and called for the yeas and nays. Mr Dellet moved that the bill be postponed until the first day of March next, upon which motion a question of order arose. Mr Speaker decided that the motion was in order, inasmuch as the House had not commenced voting, although the clerk had called Mr Speaker. From which decision Mr Abernathy appealed, and the decision of Mr Speaker overruled. Yeas 38—Nays 28.

Those who voted for overruling the decision of Mr Speaker are, messrs Abernathy Baker Broadnax Campbell Cook Craig Erwin Faulk Goodwin Goyne Hall of A. Harris Hays Hickman Johnston Keener Lea M'Kinley M'Rea M'Vay Moffett Moore Musgrove Norwood Oliver of C. Payne Philpott Riddle Ross Rugely Saunders of L. Shearer Swink Snedcor Stephens Toulmin Walker Ward.

Those who voted against overruling the decision of Mr Speaker are, messrs Speaker Acklen Boyd Carroll Dellet Drish Farrar Fontaine Foster Herbert Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Collum Nabors Oliver of M. Payne Peete Rather Saunders of D. Shackleford Tarrant Terrell Watkins Wilkinson.

Mr Abernathy then moved that the main question be now put; which was carried. Yeas 42—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Baker Brodnax Campbell Cook Craig Erwin Faulk Goodwin Goyne Hall of A. Harris Hays Hickman Hubbard Johnston Keener King of M. Lea M'Kinley M'Rea M'Vay Moffett Moore Musgrove Norwood Oliver of C. Payne Peete Philpot Rather Riddle Ross Rugely Saunders of L. Shearer Swink Snedcor Toulmin Walker Ward Watkins.

Those who voted in the negative are messrs Speaker Acklen Boyd Carroll Dellet Drish Farrar Fontaine Foster Herbert Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Collum Nabors Oliver of M. Paul Saunders of D. Shackleford Tarrant Terrell Wilkinson.

The main question was on the passage of the bill and carried. Yeas 38—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Brodnax Campbell Cook Craig Erwin Faulk Hall of A. Hall of B. Harris Hays Hubbard Johnston Keener Lea M'Kinley M'Rea M'Vay Moffett Moore Musgrove Oliver of C. Payne Philpot Rather Riddle Ross Rugely Saunders of L. Shearer Swink Stephens Toulmin Walker Ward Watkins.

Those who voted in the negative are, messrs Speaker Acklen Boyd Carroll Dellet Drish Farrar Fontaine Foster Goodwin Herbert Kilpatrick King of M. King of P. Lane Lockhart Loyd M'Afee M'Collum Nabors Oliver of M. Paul Peete Saunders of D. Shackleford Snedcor Tarrant Terrell Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed joint resolutions from the Senate entitled joint resolutions ap-

pointing commissioners to adjust and settle the claims of the Trustees of the University against certain persons for lands which have been forfeited to said trustees, was read a first time. Mr M'Rea moved that the rule requiring bills and joint resolutions to be read on three several days be dispensed with, to read it a second time forthwith; which was lost, there not being a constitutional majority voting in favor of suspension. Yeas 30—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Brodnax Baker Campbell Cook Craig Erwin Faulk Hall of A. Harris Hays Hubbard Johnston M'Kinley M'Rea M'Vay Moffett Moore Musgrove Oliver of C. Payne Philpot Ross Rugely Saunders of L. Shearer Snedcor Toulmin Ward Watkins.

Those who voted in the negative are, messrs Speaker Acklen Boyd Carroll Dellet Drish Farrar Fontaine Foster Goodwin Hickman Hollis King of P. Lane Lockhart Loyd M'Affee M'Collum Nabors Oliver of M. Paul Peete Rather Riddle Saunders of D. Tarrant Terrell Walker.

A message from the Senate by mr Conner: Mr Speaker—The Senate have passed a bill entitled an act to repeal in part an act entitled an act for the government of ginholders, passed November 16th, 1818. They have also passed joint resolutions on the subject of the public lands, in both of which the concurrence of the House of Representatives is requested.

Mr Paul moved that the House adjourn until to-morrow morning 10 o'clock; which was lost. Yeas 14—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Dellet Drish Foster Goodwin Hall of A. Hickman King of P. M'Collum Nabors Paul Saunders of D. Shackleford Tarrant.

Those who voted in the negative are, messrs Speaker Abernathy Baker Brodnax Campbell Carroll Cook Craig Erwin Faulk Farrar Fontaine Hall of B. Harris Hays Hollis Hubbard Johnston Lane Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Moffett Moore Musgrove Oliver of C. Oliver of M. Payne Peete Philpot Rather Riddle Rugely Saunders of L. Shearer Snedcor Stephens Terrell Toulmin Walker Ward Watkins.

Mr Oliver of M. moved that the House adjourn until half past 7 o'clock to-night; which was carried. Yeas 37—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Bronax Campbell Cook Craig Erwin Faulk Fontaine Hall of B. Harris Hubbard Johnston King of P. Lane Lockhart M'Rea Moffett Moore Musgrove Oliver of C. Oliver of M. Payne Peete Philpott Rather Rugely Saunders of D. Saunders of L. Stephens Terrell Toulmin. Walker Ward Watkins.

Those who voted in the negative are, messrs Speaker Acklen Carroll Dellet Drish Foster Goodwin Hickman Hollis M'Affee M'Collum M'Kinley M'Vay Nabors Paul Snedcor Tarrant.

Night Session, half past 7 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of the resolution from the Senate appointing commissioners to adjust and settle the claims of the trustees of the University against certain persons for lands which have been forfeited to said Trustees. Mr Payne moved that the resolution be made the special order of the day for a second reading on to-morrow. Mr Speaker decided the motion to be out of order. From which decision mr Baker appealed. Yeas 30—Nays 26.

Those who voted in favour of sustaining the decision of the Speaker are, messrs Acklen Carroll Dellet Farrar Fester Goodwin Goyne Hall of B. Herbert Hickman Hollis King of P. Lane Lockhart M'Affee M'Collum Moffett Musgrove Nabors Oliver of M. Paul Rather Riddle Saunders of D. Shackleford Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted in the negative are, messrs Abernathy Baker Brodnax Campbell Cook Craig Erwin Faulk Fontaine Harris Hays Hubbard Johnson Keener M'Rea M'Vay Moore Oliver of M. Payne Peete Philpott Rugely Swink Stephens Ward Watkins.

The bill from the Senate entitled an act to repeal in part an act for the government of gin-holders, passed Nov. 16, 1818, was read a first time, and

the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The joint resolutions from the Senate entitled joint resolutions on the subject of the public lands, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was read the third time forthwith and passed. *Ordered*, that its title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Baker moved that the orders of the day be suspended for the present; which was carried.

Mr Baker introduced a bill to be entitled an act to authorize William Atkins and others to erect certain gates therein mentioned; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Kilpatrick introduced a bill to be entitled an act to explain an act passed at the present session of the General Assembly; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was then read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Musgrove moved to suspend the orders of the day preceding No. 270, for the purpose of taking into consideration the bill entitled an act to designate the boundaries of Jackson and Franklin counties; which was carried. Yeas 55—Nays 3.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Baker Brodnax Campbell Carroll Cook Craig Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of B. Hays Herbert Hickman Hollis Johnston Keener Kilpatrick King of P. Lane M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Payne Peete Philpot Rather Riddle Rugely Saunders of D. Saunders of L. Shackelford Swink Snedecor Stephens Tarrant Terrell Toulmin Walker Ward and Watkins.

Those who voted in the negative are, messrs Dellet Lockhart and Wilkinson.

The bill was then read a second time and referred to the delegation of Blount, St Clair, Jackson, Franklin and Morgan counties.

Mr Erwin moved to suspend the orders of the day preceding No. 109, for the purpose of taking into consideration the bill entitled an act supplementary to the act entitled an act to establish a bank in the city of Mobile, passed November 20th, 1818, which was carried: it was read a second time and referred to a select committee consisting of messrs Erwin, Toulmin, Ross and Dellet.

Mr Acklen moved to suspend the orders of the day preceding No. 141, to take into consideration the bill from the Senate entitled an act amendatory of the laws concerning divorce: it was read a second time and referred to the judiciary committee, with instructions to report to-morrow morning.

Mr Baker moved to suspend the orders of the day preceding No. 147, to take into consideration the bill from the Senate entitled an act to establish a board of internal improvement for the State of Alabama: it was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that

the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Saunders of L. moved to suspend the orders of the day preceding No. 255, to take into consideration the bill entitled an act to emancipate certain slaves therein mentioned; which was carried: it was read a second time. Mr Saunders moved to amend the third section of the bill after the word "deceased," with the words "late of the county of Limestone;" which was carried. Mr Hubbard moved to amend the bill by adding thereto section No. 14; which was adopted. Mr Erwin moved to amend the last section of the bill after the word 'act,' insert these words: "except the negro slave named in the fourth section of this act;" which was adopted. Mr Saunders of L. moved to amend the bill with the following proviso; which was lost: "*Provided*, that if the legal representatives of the said Thomas Matthews, deceased, as named in the third section, will give bond and security to the judge of the county court of the county of Limestone, in the sum of six thousand dollars, that the said negro Ellis shall never become a charge to any city or county within this State, he shall not be compelled to leave said State. Mr Campbell moved to amend the bill by adding thereto section No. 16; which was carried, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Herbert moved to suspend the orders of the day preceding No. 311, to take into consideration the bill entitled an act to dispose of certain public lands, and for other purposes; which was carried: it was read a second time. Mr Paul moved to amend the bill by adding after the word "commissioners," the words "of sale;" which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Craig moved to suspend the orders of the day preceding No. 177, to take into consideration the bill from the Senate entitled an act supplementary to an act entitled an act for the improvement of the Tennessee river, and for other purposes; which was carried: the bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Nabors moved to suspend the orders of the day preceding No. 305, to take into consideration the bill from the Senate entitled an act to provide for the payment of the land commissioners for certain services rendered the State; it was read a second time. Mr Rather moved to strike out the first section of the bill. Mr Stephens moved that the further consideration of the bill be postponed until the first day of March next; which was lost. Yeas 8—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Campbell Farrar Hall of B, Hays M Vay Prete Shackelford and Stephens.

Those who voted in the negative are, messrs Abernathy Baker Boyd Brodnax Cock Crdig Dellet Drish Erwin Faulk Fontaine Foster Goodwin Goyne Johnston Keener King Lockhart M Afee M Cellum M Kinley M Rea Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Philpott Rather Riddle Rugely Saunders of D. Saunders of L. Shedder Tarrant Toulmin Walker Ward and Wilkinson.

The question recurred upon mr Rather's motion, and carried. Yeas 37—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Baker Campbell Craig Dellet Erwin Faulk Farrar Goyne Hall

of B. Hays Johnston Kilpatrick Lane Lockhart M'Afee M'Collum M'Kinley M'Vay Moffett Musgrove Oliver of C, Paul Peete Ph Ipot Rather Riddle Saunders of D. Saunders of L. Shackelford Swink Snedcor St phens Toulmin Walker Watkins n.

Those who voted in the negative are, messrs Boyd Brondox Cook Drish Fontaine Foiter Goowin Harris Hubbard Keener King of P. M'Rea Moore Nabors Oliver of M. Rugely Tarrant Ward.

Mr Hubbard moved to amend the bill by striking out the word "aforesaid;" which was carried, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Brodnax moved that the orders of the day be suspended preceding No. 116, to take into consideration the bill from the Senate entitled an act concerning dower; which was carried. Mr Saunders of L. moved that the bill be indefinitely postponed; which was carried.

And than the House adjourned until to-morrow morning 10 o'clock.

Thursday, Jan. 19, 1832.—The House met pursuant to adjournment.

Mr Dellet, from the judiciary committee to whom was referred a bill from the Senate entitled an act amendatory to the laws concerning divorce, reported the same without amendment, and recommended the passage of the same. Mr Dellett moved to amend the first section of said bill by striking out the word 'so,' in the last line but one, and the words "as actually to endanger her life," in the last line; which was carried, and the rule requiring bills &c. to be read on three several days being dispensed with, the bill was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Senate by mr Morton, which is as follow: Mr Speaker—The Senate have passed bills of the following titles from the House of Representatives, viz: An act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, approved January 16, 1832; an act to authorize the sale of a lot in the town of Cahawba; an act to change the time of holding the circuit courts in the second judicial circuit; an act to discontinue and establish certain election precincts therein specified; an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock, in said county: the third and fourth of which bills they have amended as therein shewn, and in which the concurrence of the House of Representatives is requested. The Senate concur in the amendments of the House of Representatives, to the following bills, entitled an act to amend an act for the government of gin-holders, passed 16th December, 1818; an act to amend an act entitled an act for the government of the port and harbor of the city of Mobile, passed December 23, 1822; and an act to provide for digesting the laws of the State of Alabama.

Ordered, that the House concur in the several amendments made by the Senate to the bills, entitled an act to change the times of holding the circuit courts in the second judicial circuit; and an act to discontinue and establish certain election precincts therein specified.

Mr Oliver, from to committee on ways and means to whom was referred a bill to be entitled an act making appropriations for the year eighteen hundred and thirty-two, reported the same with an amendment by striking out all after the enacting clause, and inserting in lieu thereof sundry sections; which was concurred in, and the rule requiring bills &c. to be read on three several days being dispensed with, the bill was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Lane, from the committee on accounts to whom was recommitted the bill entitled an act making appropriations for certain claims against the State, reported the same without further amendment. Mr Baker moved to amend said bill by adding thereto an additional section. Mr Oliver of C. moved to amend Mr Baker's amendment by adding thereto an additional section; which was carried. Mr Baker's amendment as amended, was then adopted. Mr M'Collum moved to amend said bill further by adding thereto an additional section; which was carried. Mr Hickman moved to amend the bill by adding the following thereto: *And be it further enacted*, That the sum of fifty dollars be, and the same is hereby allowed to Wm. Newsom, for apprehending and securing George Wilson, a horse-thief, in the year 1831; which was lost. Mr Ward then moved to amend said bill by adding thereto an additional section; which was carried. Mr Norwood moved to amend the bill further by adding an additional section thereto; which was carried.

The hour of 12 o'clock, the time appointed for going into the consideration of the orders of the day, having arrived, Mr Speaker announced the same to the House. Whereupon, on motion, it was ordered that the consideration of the orders of the day be suspended generally.

The House then resumed the consideration of the bill entitled an act making appropriations for certain claims against the State. Mr Brodnax moved to amend said bill by adding thereto an additional section; which was carried. Mr Harris moved to amend the bill further by adding an additional section thereto; which was carried. Mr Paul moved to amend the bill by adding thereto the following: "*And be it further enacted*, that the following persons be allowed the sums following for guarding State prisoners, to wit: to Whitman Harrell, the sum of \$15 75; Samuel Reese, \$27 00; Burwell J. Fort, \$47 00; John Grumbles, \$33 75; William Howell, \$4 50; William Johnson, \$24 75; John Howell, \$4 50; James Howell, \$4 50; Laban Rasco, \$25 75; William Rasco, \$29 25; Robert Craig, \$6 20; Ellis & Huddleston, \$2 50; Bartram Robinson, \$15 00; William N. Burke, \$59 07;" which was lost. Mr Saunders of L. moved that the bill be recommitted to the committee on accounts, with instructions to examine the accounts which have been allowed this day; which was lost. Mr Dellet then moved to amend the bill further by adding an additional section thereto; which was carried, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read the third time forthwith and passed. Yeas 37—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Augustus Boyd Brodnax Campbell Carroll Cook Dellet Erwin Faulk Fontaine Goynes Harris Hickman Hubbard Johnston Keener King of M. King of P. Lane Lea M'Collum Moffett Moore Musgrove Oliver of C. Oliver of M. Philpot Rather Riddle Ross Rugely Shearer Snedicer Ward and Watkins.

Those who voted in the negative are, messrs Speaker Craig Drish Foster Hall of A. Herbert Hollis Kilpatrick Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Paul Payne Saunders of D. Saunders of L. Terrell Walker and Wilkinson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill to be entitled an act to extend and designate the boundaries of Morgan and Blount counties. They have also passed a bill, which originated in the House of Representatives, to be entitled an act to change the time of holding courts in the first judicial circuit; which they have amended as therein shewn: in all of which they request the concurrence of the House of Representatives.

The bill from the Senate to be entitled an act to extend and designate the

boundaries of Morgan and Blount counties, was read first time, and the rule requiring bills, &c. to be read on three several days being dispensed with, the bill was forthwith read a second time. Mr Norwood moved to amend said bill by adding an additional section thereto; which was carried. Mr M'Rea moved to amend said bill by adding an additional section thereto; which was carried. Mr Musgrove moved to amend the bill further by adding thereto an additional section; which was carried, and the rule requiring bills &c. to be read on three several days being further dispensed with, the bill was forthwith read the third time and passed. Yeas 61—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Acklen Baker Boyd Brodnax Campbell Carroll Cook Craig Drish Faulk Farrar Fontaine Fester Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lea Loyd M'Afee M'Collum M'Kinley M'Rea Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Podspot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shearer Swink Snedecor Stephens Tarrant Terrell Toulmin Ward Watkins Wilkinson.

Those who voted in the negative are, messrs Speaker Bellet Lockhart M'Vay Shackelford Walker.

Mr Rather moved to amend the bill by striking out all after the word 'act,' and inserting in lieu thereof the following words: "to designate the boundaries of certain counties;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to change the time of holding courts in the first judicial circuit, being under consideration, the question was on concurring in the amendments made thereto by the Senate, and lost. Yeas 23—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Faulk Hall of A. Hickman Hollis Johnston Kilpatrick King of P. Lea Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Payne Shackelford Swink Snedecor Stephens Walker Ward and Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Acklen Boyd Brodnax Cook Craig Dellet Drish Erwin Fontaine Gilbreath Goodwin Goynes Hall of B. Harris Herbert Keener King of M. Lane Lockhart Moffett Moore Nabors Oliver of C. Oliver of M. Paul Peete Rather Riddle Rugely Saunders of D. Saunders of L. Shearer Tarrant Toulmin and Watkins.

Ordered, that the clerk acquaint the Senate therewith.

Mr Peete, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of so altering the law as to compel judges of the circuit courts to entertain suits in the nature of *audita querula*, reported that it is inexpedient to legislate as proposed by the resolution, and requested to be discharged from the further consideration thereof; which was granted.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have concurred in the amendments made by the House of Representatives to the bill from the Senate entitled an act to establish a Branch Bank of the State of Alabama, and have amended the amendment of the House of Representatives, which comes in as section 13, by adding to the same the words, "and forthwith give notice of the same to the Comptroller of the State."

And then the House adjourned until 3 o'clock P.M.

Evening session, 3 o'clock.—The House met pursuant to adjournment.

Mr Watkins, from the committee on enrolled bills, made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: An act to authorize William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate; an act to amend an act entitled an act to raise a

revenue for the support of government until otherwise altered by law, passed the 13th January, 1827; an act to incorporate the Tennessee and Alabama Railroad Company; an act to discontinue and establish certain election precincts therein specified: which were severally signed by Mr Speaker.

The bill from the Senate entitled an act to establish a Branch of the Bank of the State of Alabama, being under consideration, it was ordered that the House concur in the amendment of the Senate to their amendment, by section No. 13 to said bill.

A message from the Governor by James I. Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body, that he did on the 18th inst. approve and sign the following bills: An act for the relief of James A. Thompson, late tax-collector of Dallas county; an act to authorize the commanding officers of the forty-ninth regiment, in the eleventh brigade of the Alabama militia, to form two company beats with a less number than forty privates, in the county of Pike; an act to authorize the executors of Allen Riley, late of the county of Autauga, to sell the land which belonged to said decedent, and for other purposes; an act to amend an act to authorize the sales of 16th sections, and for other purposes, passed January 15, 1828; an act to limit actions against securities of officers; an act to authorize Thomas H. Hutchins, guardian of Washington Hutchins, to sell certain lands therein specified; and on this day, (19th.) an act to repeal in part a certain act therein named; an act to incorporate the town of Larkinsville, in Jackson county, and town of Irwinton, in Pike county; an act to authorize the judge of the county court of Tuscaloosa county, and commissioners of revenue and roads, to apportion all persons within one mile of the Huntsville road, living in Bibb county, to work on said road; an act for the relief of Catharine C. Bryan; an act to divide the 12th regiment of the militia of this State; an act to change the names of certain persons therein named; an act to authorize Samuel Savage, Administrator of Alexander Farris, to make titles to a certain tract of land therein specified; an act for the relief of the inhabitants of the 4th township of the 11th range, west; an act amendatory to an act passed 20th January, 1830, authorizing Nathaniel Clark to emancipate certain slaves therein named; an act to incorporate the Montgomery volunteer company, under the style of the Montgomery Huzzars; an act for the relief of Wm. S. Hays; an act to allow compensation to the petit jurors for the county of Conecuh; and an act to authorize John Wilks, dec. to make titles to certain tracts of land therein specified; all of which originated in the House of Representatives.

The bill from the Senate entitled an act to attach to certain counties therein named, the territory west of the Tombecbe river being under consideration, the question was on Mr Baker's motion (moved on a previous day,) to strike out the 7th and 8th sections of the bill as amended. Mr Lockhart moved that the bill be indefinitely postponed; which was lost. Mr Rather moved to amend the 8th section of the bill, 2nd line, by striking out the words, "the limits of this State, and within;" which was carried. The question then recurred on Mr Baker's motion and lost. Yeas 11—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Farrar Herbert Hubbard Keener M'Affee M'Rea Moore Nabois Oliver of M. Paul and Payne.

Those who voted in the negative are, messrs Speaker Abernathy Augustus Campbell Carroll Craig Erwin Faulk Fontaine Foster Goyne Hall of B. Harris Hickman Hollis Johnston Kilpatrick Lane Lea Lockhart Loyd M'Collum M'Kinley M'Vay Moffett Musgrove Norwood Oliver of C. Peete Philpot Rather Riddle Saunders of D. Saunders of L. Shackelford Snedcor Stephens Tarrant Terrell Walker Ward Watkins and Wilkinson.

The hour appointed for going into the election of a judge of the county court of Monroe county, having arrived, mr Speaker announced the same to the House; whereupon, on motion, the further consideration of the bill was suspended for one hour.

On motion of mr Dellet: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them for the purpose of going into the election of a judge of the county court of Monroe county.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a judge of the county court of Monroe county. Benjamin F. Porter being in nomination, for mr Porter 73.

Those who voted for mr Porter are, messrs President, Abercrombie, Anderson, Barclay, Bridges, Conner, Dupuy, Edmondson, Erwin of G. Hogan, Irwin of H. Lawler, M'Elderry, Perry Smith, Vining. Reps. messrs Speaker, Abernathy, Acklen, Augustus, Baker, Brodnax, Campbell, Carroll, Craig, Dellet, Erwin, Faulk, Farrar, Fontaine, Foster, Goodwin, Goyne, Hall of B. Harris Herbert, Hickman, Hollis, Hubbard, Johnston, Keener, Lane, Lea Lockhart, Layd, M'Afee, M'Collum, M'Rea, M'Vay, Moffett, Moore, Musgrove, Nabors, Norwood, Oliver of C. Oliver of m. Paul, Payne, Pette, Philpot, Rather, Riddle, Ross, Saunders of D. Saunders of L. Shackelford, Shedden, Tarrant, Terrell, Toulmin Walker, Ward, Watkins, Wilkinson.

Mr Porter having received all the votes given, was declared by mr Speaker to be duly elected judge of the county court of Monroe county. And then the Senate withdrew.

Whereupon the House resumed the consideration of the bill from the Senate entitled an act to attach to certain counties therein named, the territory west of the Tombeckbe river, and the rule requiring bills to be read on three several days being dispensed with, the bill was forthwith read the third time and passed. Mr Riddle moved to amend the title of the bill by striking out all after the word "act," and inserting in lieu thereof the words, "to extend and define the boundaries of certain counties therein named; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have passed a bill from the House of Representatives entitled an act relating to the alternating of the judges of the circuit courts of this State.

A message was received from the Senate by Mr Morton; which is as follows: Mr Speaker—The Senate disagree to the amendment made by the House of Representatives to the bill entitled an act to remove a portion of the public arms to the town of Montgomery.

Mr Campbell, from the select committee to whom was referred the preamble and resolution recommending General Jackson for re-election to the Presidency of the United States, reported a substitute; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. Mr Payne moved to amend the same, by adding thereto an additional resolution, viz: *Be it further resolved*, that the sentiments of the President in relation to the doctrines which in his opinion tend to interrupt the harmony and to destroy the Union of the States, are entitled to our cordial and unqualified approbation; and afford another proof of his pure and exalted patriotism, and of his devotion to the principles of our free and happy government."

Mr Hubbard moved to amend Mr Payne's proposed amendment, by adding thereto sundry additional resolutions; which are as follows: "And that more than Roman virtue manifested by Andrew Jackson, President of the United States, in his celebrated anti-federal veto Message, upon the Mays-

ville and Rockville Road bills, (by which he put a stop to the expenditure of millions of the people's money, and saved his country from the iron grasp of monopoly and power, and from a consolidation of our free and sovereign States into one vast empire,) justly entitles him, in the opinion of this General Assembly, to the undivided support of all Republicans and friends of State sovereignty. *Resolved further*, that in those messages we recognize principles, an adherence to which alone is calculated to secure to ourselves and posterity that glorious and inestimable liberty for which our fathers pledged to each other their lives, their fortunes, and their sacred honor. *Resolved further*, that his refusal to send an armed force to crush the State of Georgia, and prevent her free exercise of territorial jurisdiction, furnishes another evidence of attachment to the principles of State sovereignty and strict regard to the Constitution of the Government, which will ever endear him to a Republican people, and authorizes this General Assembly again to present him to the American people for re-election, with undivided confidence in his patriotism and ability to administer the Government on the soundest principles of Republican policy.

Mr Baker moved to adjourn till 9 o'clock A. M. to-morrow; which was lost. Yeas 24—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Brodnax Carroll Craig Goodwin Hall of A. Hall of B. Herbert Hollis Keener Kilpatrick King of P. Lane M'Collum Oliver of M. Paul Rugely Saunders of D. Shackleford Ward Watkins and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Campbell Dellet Erwin Faulk Farrar Fontaine Foster Goyne Hickman Hubbard Johnson Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Payne Peete Philpott Rather Riddle Ross Saunders of L. Shearer Snedcor Stephens Tarrant Terrell Toulmin and Walker.

The question recurred on the adoption of Mr Hubbard's amendments. Mr Abernathy moved a call for the previous question; which was not sustained. Yeas 29—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Brodnax Craig Fontaine Foster Goodwin Goyne Hall of B. Hollis Johnston Keener King of P. Lane Loyd M'Vay Nabors Oliver of M. Ross Rugely Saunders of D. Shackleford Shearer Snedcor Stephens Terrell Walker Ward and Watkins.

Those who voted in the negative are, messrs Speaker Acklen Augustus Boyd Campbell Carroll Dellet Erwin Faulk Farrar Hall of A. Herbert Hickman Hubbard Kilpatrick Lockhart M'Affee M'Collum M'Kinley M'Rea Moffett Moore Musgrove Norwood Oliver of C. Paul Payne Peete Philpot Rather Riddle Saunders of L. Tarrant Toulmin and Wilkinson.

Mr Baker then moved to adjourn till half past nine o'clock to-morrow A.M.; which was lost. Yeas 19—Nays 44.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Brodnax Carroll Herbert Hollis Hubbard Keener King of P. Lane M'Rae Oliver of M. Paul Rugely Saunders of D. Shackleford Shearer Ward and Watkins.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Campbell Craig Dellet Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Hickman Johnston Kilpatrick Lockhart Loyd M'Affee M'Collum M'Kinley M'Vay Moffett Moore Musgrove Nabors Norwood Oliver of C. Payne Peete Philpott Rather Riddle Ross Saunders of L. Snedcor Stephens Tarrant Terrell Toulmin Walker and Ward.

The question recurred on the adoption of Mr. Hubbard's amendment, Mr Acklen in the chair; and on a question of order, Mr Chairman decided that the amendments were susceptible of division; from which decision Mr Hubbard appealed. Mr Speaker then resumed the chair, and decided that the question was upon the adoption of Mr Hubbard's amendment to Mr Payne's amendment, from which decision Mr Dellet appealed, and the decision of Mr Speaker

The yeas and nays being taken, those who voted for sustaining the decision are, Abernathy Baker Carroll Craig Fontaine Foster Goyne Harris Herbert Hollis Hubbard Keener Kilpatrick King of P. Lane Loyd M'Collum M'Kinley M'Rea M'Vay Musgrove Nabors Oliver of C. Oliver of M. Paul Peete Philpott Rather Ross Rugely Saunders of D. Shackleford Shearer Snedcor Terrell Toulmin Ward and Watkins.

Those who voted against sustaining the decision are, messrs Acklen Augustus Boyd Campbell Dellet Erwin Faulk Farrar Goodwin Hall of B. Johnston M'Affee M'offett Norwood Payne Riddle Saunders of L. Stephens Walker and Wilkinson.

On a question of order, mr Speaker decided that an amendment to an amendment to an amendment was not in order; from which decision mr M'Collum appealed, and the decision of mr Speaker was sustained by the House. Yeas 54—Nays 2.

The yeas and nays being taken, those who voted for sustaining the decision are, messrs Abernathy Acklen Augustus Baker Campbell Carroll Craig Dellet Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hollis Hubbard Johnston Keener King of P. Lane Loyd M'Affee M'Kinley M'Vay M'offett Musgrove Nabors Norwood Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Snedcor Stephens Tarrant Terrell Toulmin Ward Watkins Wilkinson.

Those who voted against sustaining the decision are, messrs M'Collum and M'Rea.

The question recurred upon the adoption of mr Hubbard's amendment to mr Payne's amendment, and a division of the question being called for, the question was first taken on the first member of mr Hubbard's amendment, and lost. Yeas 16—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Farrar Herbert Hubbard Johnston Keener King of P. Lane Loyd M'Collum Oliver of M. Paul Ross Rugely Saunders of D. Shackleford and Watkins.

Those who voted in the negative are, messrs Speaker Augustus Boyd Campbell Carroll Craig Dellet Drish Erwin Faulk Fontaine Foster Goodwin Hall of A. Hall of B. Harris Hollis Kilpatrick Lockhart M'Affee M'Kinley M'Rea M'Vay M'offett Musgrove Nabors Norwood Oliver of C. Payne Peete Philpot Rather Riddle Saunders of L. Shearer Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Wilkinson.

Mr Baker moved a call for the previous question; which was not sustained. Yeas 18—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Baker Drish Fontaine Foster Goyne Herbert Hollis Johnston Keener Loyd M'Collum Oliver of M. Rugely Saunders of D. Shackleford Terrell and Ward.

Those who voted in the negative are, messrs Speaker Augustus Boyd Campbell Carroll Dellet Erwin Faulk Farrar Goodwin Hall of A. Hall of B. Harris Hubbard Kilpatrick King of P. Lane Lockhart M'Affee M'Kinley M'Rea M'Vay M'offett Musgrove Nabors Norwood Oliver of C. Paul Payne Peete Philpot Rather Riddle Ross Saunders of L. Shearer Snedcor Stephens Tarrant Toulmin Walker Watkins and Wilkinson.

Mr Hubbard then asked leave to withdraw the second member of his amendment; which was granted. He further asked leave to withdraw the whole of his amendments; which was granted.

Mr Rugely moved that the House adjourn till 10 o'clock, A.M. to-morrow; which was lost. Yeas 12—Nays 50.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Craig King of P. Loyd M'Rea Paul Ross Rugely Shackleford Shearer and Ward.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hollis Hubbard Johnston Keener Kilpatrick Lane Lockhart M'Affee M'Collum M'Kinley M'Vay M'offett Musgrove Nabors Norwood Oliver of C. Oliver of M. Payne Peete Philpot Rather Riddle Saunders of D. Saunders of L. Snedcor Stephens Tarrant Terrell Toulmin Walker Watkins and Wilkinson.

Mr Oliver of M. offered as an amendment to mr Payne's amendment, the following: "and that the interpretation placed upon a certain portion of the President's letter to the Union Party by a part of the Nullifying Party of S.

Carolina, that the President intended to mingle in a state election, and threatened to use military force to coerce a sovereign State, is not believed to be fairly deducible from that letter;" which was lost. Yeas 15—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Baker Fontaine Harris Herbert Hubbard Johnston Keener King of P. Lane M'Collum Oliver of M. Paul Rugely Shackleford and Stephens.

Those who voted in the negative are, messrs Speaker Abernathy Augustus Boyd Campbell Dellet Erwin Faulk Farrar Foster Goodwin Goyne Hall of A. Hall of B. Hollis Kilpatrick Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay M'fett Musgrove Nabors Norwood Oliver of C. Payne Peete Rather Riddle Ross Saunders of D. Saunders of L. Snedcor Tarrant Terrell Toulmin Walker and Wilkinson.

Mr Campbell offered the following as an amendment to mr Payne's amendment: "and that this General Assembly highly approve the celebrated *re-to message* of the President on the Maysville and Rockville road bills, and the patriotic sentiments contained therein;" which was adopted. Yeas 59—Nays.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Baker Boyd Campbell Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Harris Herbert Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay M'fett Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr Baker offered the following amendment: "and that this General Assembly does not recognize the doctrine of nullification if it means a dissolution of the Union, but it does fully recognize the doctrines of Jefferson, as contained in the Virginia and Kentucky Resolutions of 1798 and 1799;" which was lost. Yeas 15—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Baker Fontaine Herbert Hubbard Johnston Keener King of P. Lane M'Collum Oliver of M. Ross Rugely and Watkins.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Campbell Carroll Dellet Drish Erwin Farrar Foster Goodwin Goyne Hall of A. Hall of B. Harris Hollis Kilpatrick Lockhart Loyd M'Affee M'Kinley M'Rea M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Paul Payne Peete Rather Riddle Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Terrell Toulmin Walker and Wilkinson.

Mr Baker moved that the House adjourn until 10 o'clock to-morrow ;—which was lost. Yeas 5—Nays 52.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Baker King of P. M'Rea Oliver of M. and Shackleford.

Those who voted in the negative are, messrs Speaker Abernathy Augustus Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Foster Goodwin Hall of A. Hall of B. Harris Hollis Hubbard Johnston Keener Kilpatrick Lane Lockhart Loyd M'Affee M'Collum M'Kinley M'Vay M'fett Musgrove Nabors Norwood Oliver of C. Paul Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins and Wilkinson.

Mr Herbert asked leave of absence from the House until to-morrow 10 o'clock; which was granted.

The question recurred upon mr Payne's amendment as amended; which was carried. Yeas 55—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Baker Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Goyne Hall of A. Hall of B. Harris Hollis Hubbard Johnston Keener Kilpatrick Lockhart Loyd M'Affee M'Collum M'Kinley M'Rea M'Vay Moffett Musgrove Nabors Norwood Oliver of C. Oliver of M. Payne Peete Philpot Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted in the negative are, messrs Lane Paul.

Mr Dellet called for the previous question. The question was, shall the

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Gayne Hall of A. Hall of B. Harris Hollis Hubbard Johnston Kilpatrick Lane Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Nabers Norwood Oliver of C. Payne Peete Philpot Rather Riddle Ross Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted in the negative are, messrs Baker Keener Musgrove Oliver of M. Paul Rugely.

The question was then, Shall the main question be now put? which was passed in the affirmative. Yeas 57—Nays 1.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Baker Boyd Campbell Carroll Dellet Drish Erwin Faulk Farrar Fontaine Foster Goodwin Gayne Hall of A. Hall of B. Harris Hollis Hubbard Johnson Keener Kilpatrick Lane Lockhart Loyd M'Afee M'Collum M'Kinley M'Rae M'Vay Moffett Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Riddle Ross Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Mr Rugely voted in the negative.

And the rule requiring bills and joint resolutions to be read on three several days being dispensed with, the resolutions were considered as engrossed, and read a third time forthwith and passed. Yeas 58—Nays none.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Baker Boyd Campbell Carroll Craig Drish Erwin Faulk Farrar Fontaine Foster Goodwin Gayne Hall of A. Hall of B. Harris Hollis Hubbard Johnson Keener Kilpatrick King of P. Lane Lockhart Loyd M'Afee M'Collum M'Kinley M'Rea M'Vay Moffett Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackleford Snedcor Stephens Tarrant Toulmin Walker Ward Watkins Wilkinson.

Ordered, that their title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning 10 o'clock.

Friday, January 20, 1832.—The House met pursuant to adjournment.

A message from the Senate by mr Morton: Mr Speaker—The Senate have passed bills from the House of Representatives entitled an act to authorize Willis Atkins and others, to erect certain gates therein named; an act to explain an act passed the present session of the General Assembly; an act to authorize Cornelius Rain to establish a turnpike road. The Senate concur in the amendment of the House of Representatives to their bill entitled an act amendatory to the laws concerning divorce. They have rejected the following bills from the House of Representatives, viz: an act to provide for taking the census of the State of Alabama; an act to repeal all laws prohibiting the judges of the supreme court sitting in causes in which they have given opinions in the circuit court; and an act to emancipate certain slaves therein named.

Ordered, that the House insist on their amendments to the bill from the Senate entitled an act to remove a portion of the public arms to the town of Montgomery.

Mr Herbert made the following report: the committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: an act for the relief of Thompson Chiles and others; an act to add a part of the county of Tuscaloosa to Fayette county; an act to repeal in part an act authorizing a jury to be drawn to attend the county court of certain counties, and for other purposes, approved January 13th, 1831; an act to incorporate the Montgomery Railroad company; which were severally signed by mr Speaker.

The rules of the House requiring that petitions and reports from standing and select committees shall be first in order being suspended, Mr Saunders of L. offered the following resolution: *Resolved*, that with the consent of the Senate the two Houses will convene in the Representative Hall at the hour of twelve o'clock this day, for the purpose of locating the branch of the Bank of the State of Alabama; which was ordered to lie on the table.

Mr Erwin, from the select committee to which was referred the bill entitled an act supplementary to the act entitled an act to establish a Bank in the city of Mobile, passed Nov. 29, 1818, reported that the present Legislature having passed an act for the chartering of a branch of the Bank of the State of Alabama, are prevented from passing the bill so referred by the constitution of this State, and ask to be discharged from the further consideration of the same. Mr Paul moved that the report and bill lie on the table; which was carried.

Mr Musgrove, from the select committee to whom was referred an engrossed bill from the Senate entitled an act to designate the boundaries of Jackson and Franklin counties, reported the same with the following amendment: strike out the second section and insert two additional sections accompanying the bill. On motion, the report, bill and proposed amendments were ordered to lie on the table.

Mr Musgrove from the select committee to whom was referred a petition of sundry citizens of the county of Blount, praying the removal and establishment of a certain election precinct, reported a bill entitled an act to discontinue and establish certain election precincts therein named; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr M'Afee moved to amend the bill by adding thereto the following: *And be it further enacted*, that an election precinct be, and the same is hereby established, at the house of James Leslie, in the county of St Clair; which was carried, the rule requiring bills &c. to be read on three several days being further dispensed with, the bill was forthwith read the third time and passed.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The resolution offered by Mr Rather on the 18th inst. proposing to rescind certain rules of this House being called up and considered, Mr Dellet moved that the same lie on the table; which was lost. The resolution was then adopted. Yeas 37—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Brednax Campbell Cook Craig Farrar Fontaine Goodwin Goyne Hall of A. Hall of B. Hickman Hubbard Johnsten Keener Lane Lea M'Afee M'Rea M'Vay Moore Musgrove Nabers Oliver of C. Payne Philpot Rather Riddle Saunders of L. Shackelford Shearer Swink Snedcor Toulmin Ward and Watkins.

Those who voted in the negative are, messrs Acklen Boyd Carroll Dellet Drish Erwin Faulk Foster Gilbreath Harris Hays Herbert Hollis Kilpatrick King of M. King of P. Lockhart M'Collum Moffett Norwood Oliver of M. Paul Peete Terrell Wilkinson.

Mr Paul, from the committee of enrolled bills, made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: An act to change the time of holding the circuit courts in the second judicial circuit; an act relating to the alternating of the judges of the circuit courts of this State; an act to discontinue and establish certain election precincts therein specified; an act to authorize the sale of a lot in the town of Cahawba; an act to authorize Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the river Paint Rock, in said county; and an act to alter and amend in part an act entitled an act to prevent the introduction of slaves into Alabama,

and for other purposes, approved January 16th, 1832; which were severally signed by Mr Speaker.

A message was received from the Senate by mr Connel, which is as follows: Mr Speaker—The Senate have passed a bill entitled an act to reduce the number of circuits in the State of Alabama to six, in which they request the concurrence of the House of Representatives.

The bill from the Senate entitled an act to reduce the number of circuits in the State of Alabama to six, was read the first time, and the question being on dispensing with the rule requiring bills &c. to be read on three several days, it was determined in the negative, there not being a constitutional majority voting therefor. Yeas 42—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Abernathy Augustus Boyd Campbell Cook Craig Erwin Farrar Goodwin Goyne Hall of A. Hays Hickman Halls Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart M'Allee M'Collum M'Rea M'Way Moffett Moore Musgrave Nabors Oliver of M. Payne Peete Riddle Saunders of L. Shackelford Shearer Snedcor Tarrant Walker Watkins Wilkinson.

Those who voted in the negative are, messrs Speaker Acklen Baker Broadnax Carroll Dellet Drish Faulk Fentaine Foster Gilbreath Hall of B. Harris Herbert King of A. Norwood Oliver of C. Paul Philpot Rather Swink Stephens Terrell Toulmin Ward.

The bill was then ordered to a second reading.

Mr Herbert from the committee on enrolled bills, made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to authorize the establishment of a road from Florence to the Tennessee line; which was signed by Mr Speaker.

A message was received from the Senate by mr Morton, which is as follows: Mr Speaker—The Senate disagree to the amendments made by the House of Representatives to an act to provide for the payment of the land commissioners for certain services rendered to the State. *Ordered*, that the House insist on their amendments to said bill.

Mr Acklen moved that the House proceed to the consideration of the orders of the day; which was carried. Yeas 35—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Augustus Boyd Broadnax Carroll Dellet Drish Faulk Foster Gilbreath Goodwin Hall of B. Hays Herbert Hickman King of M. King of P. Lane Lea Lockhart M'Collum Nabors Oliver of C. Oliver of M. Paul Peete Riddle Shackelford Shearer Stephens Tarrant Terrell Walker Ward Wilkinson.

Those who voted in the negative are, messrs Speaker Abernathy Baker Campbell Cook Craig Erwin Fentaine Goyne Harris Hubbard Johnston Keener Kilpatrick M'Allee M'Rea M'Way Moore Norwood Payne Philpott Rather Saunders of L. Swink Snedcor Toulmin Watkins.

Mr Acklen moved that the consideration of all the orders of the day preceding No. 215, a bill entitled an act to provide for the election of justices of the peace and constables in the corporate limits of the town of Huntsville; which was carried. The said bill was then read a second time, and the rule requiring bills, &c. to be read on three several days being dispensed with, the bill was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate by mr Morton: Mr Speaker—The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to dispose of certain public lands, and for other purposes. They have read three several times and passed a bill which originated in the Senate, entitled an act to alter the time of holding the county court of Greene county: in which they request the concurrence of the House of Representatives. They insist on their amendment

to the bill entitled an act to change the time of holding courts in the first judicial circuit.

The bill from the Senate entitled an act to regulate the time of holding the county court of Greene county, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, in was read a second time forthwith, and the rule being further dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid.—*Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to change the time of holding courts in the first judicial circuit, being under consideration, mr Dellet moved that the bill lie on the table; which was carried.

Mr Rather moved to suspend the orders of the day preceding No. 73, to take into consideration the bill entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; which was carried. Yeas 61—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Acklen Brodnax Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goynes Hall of A. Hall of B. Harris Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Collum M'Rae M'Vay Moffatt Moore Musgrove Nabers Norwood Oliver of C. Oliver of M. Payne Philpot Ruther Riddle Ross Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Stephens Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted in the negative are, messrs Hays and Tarrant.

Mr M'Rea moved to amend the bill by adding thereto an additional section. Mr M'Vay moved that the bill lie on the table: which was carried.

Mr Harris moved to suspend the orders of the day preceding No. 284, to take into consideration the bill from the Senate entitled an act to reduce the size of the several divisions and brigades of the militia of this State; which was carried. The bill was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Peete moved to suspend the orders of the day preceding No. 286, to take into consideration the bill from the Senate entitled an act to exempt from taxation all incorporated academies in this State; which was carried. The bill was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hubbard moved to suspend the orders of the day preceding No. 324, to take into consideration the memorial from the Senate to the Congress of the United States, in relation to the public lands; which was carried: it was read a second time. Mr Philpot offered the following amendment: after the word "lands" insert the following: "or where said lands have not been sold to grant them a patent for the same, where they still hold the possession;" which was lost. Mr Philpot moved further to amend the resolution by adding thereto the following: "*And be it further resolved*, That our Senators and Representatives in Congress, be requested to use their best endeavors to bring before Congress the subject of the several memorials of former Legislatures of this State on the subject of the public lands;" which was lost, and the constitutional rule being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hubbard moved to suspend the orders of the day preceding No. 308, to take into consideration the joint resolutions from the Senate in relation to

the suppression of publications of an incendiary nature in other States; which was carried: it was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hall of B. moved that the orders of the day preceding No. 150 be suspended, to take into consideration the bill entitled an act making provisions for the taxing of cattle; which was carried: it was then read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Paul moved to suspend the orders of the day preceding No. 307, to take into consideration the bill entitled an act for the relief of Wm. Taylor; which was carried: the bill was then read a second time. Mr Paul moved that the constitutional rule be dispensed with and that the bill be read a third time forthwith; which was lost. Yeas 35—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Baker Brodnax Carroll Cook Craig Dellet Drish Fontaine Foster Gilbreath Goyne Hall of B. Harris Herbert Hickman Keener Kilpatrick King of P. Lane Lea M'Collum Norwood Oliver of C. Oliver of M. Paul Rather Riddle Ross Saunders of D. Saunders of L. Shearer Terrel Toulmin Watkins Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Erwin Faulk Goodwin Hall of A. Johnston Lockhart M'Affee M'Vay Moffett Nabors Payne Peete Swink Snedcor Stephens Walker.

Mr Paul moved that it be made the special order of the day for a third reading on to-morrow; which was lost. The bill was ordered to be engrossed for a third reading.

Mr Faulk moved to suspend the orders of the day preceding No. 355, to take into consideration the engrossed bill entitled an act to define the line between the counties of Monroe and Clarke.

And then the House adjourned until this evening at half past 2 o'clock.

Evening Session, half past 2 o'clock.—The House met pursuant to adjournment.—The House resumed the consideration of mr Faulk's motion to suspend the orders of the day preceding No. 355; which was carried. The bill was then read a third time, and the question being put, Shall this bill pass? it was determined in the negative, there not being a majority of two-thirds voting in favor of its passage. Yeas 38—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Boyd Campbell Erwin Faulk Goodwin Goyne Hays Hickman Hollis Hubbard Johnson Kilpatrick King of P. Lee Lockhart Loyd M'Affee M'Collum M'Rea M'Vay Moffett Moore Norwood Oliver of C. Riddle Ross Rugely Shackelford Shearer Swink Snedcor Stephens Tarrant Terrell Walker Ward and Wilkinson.

Those who voted in the negative are, messrs Speaker Acklen Brodnax Carroll Cook Dellet Drish Fontaine Foster Gilbreath Hall of B. Herbert Keener Nabors Oliver of M. Paul Peete Rather Saunders of L. and Toulmin.

Upon a question of order mr Speaker decided that it requires two-thirds of the House to pass the bill entitled an act to define the line between the counties of Monroe and Clark. From which decision mr Hays appealed. Yeas 37—Nays 16.

Those who voted in favor of sustaining the decision of the Speaker are, messrs Acklen Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Erwin Fontaine Foster Gilbreath Goodwin Hall of B. Harris Hickman Keener King of P. Lea M'Rea Moffett Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Riddle Ross Rugely Tarrant Terrell Toulmin Walker and Wilkinson.

Those who voted against sustaining the decision of the Speaker are, messrs Augustus Campbell Faulk Goyne Hays Hollis Johnston Kilpatrick Loyd M'Affee M'Collum M'Vay Norwood Shackelford Shearer Snedcor and Ward.

A message from the Governor by Mr Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did this day approve and sign the following bills: An act authorizing William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, to sell real estate; an act to discontinue and establish certain election precincts therein specified; an act to incorporate the Tennessee and Alabama Railroad Company; and, a memorial to Congress for the relief of certain Creek Indians of mixed blood within the State of Alabama: all of which originated in the House of Representatives.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have concurred in the amendments of the House to the bill entitled an act to extend and designate the boundary of Jackson and Blount counties. They have adopted the following resolution: *Resolved*, that with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House this evening at the hour of seven o'clock for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama: in which they ask the concurrence of the House of Representatives.

Mr Acklen offered the following amendment: "and Director of the statute laws of this State, and three persons to examine the said Digest." Mr Abernathy called for the previous question. And the question was, Shall the call be sustained? and lost. Yeas 27—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Boyd Campbell Craig Erwin Farris Goodwin Goyne Keener Kilpatrick M'Allee McKimley M'Way Moore Musgrove Nabors Payne Philpat Ross Shackleford Shearer Swink Snedcor Tarrant Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Baker Brodnax Carroll Dellet Drish Fontaine Foster Gilbreath Hall of B. Harris Hays Herbert Hickman Hollis Hubbard Johnston King of P. Lane Lea Leckbert Lloyd M'Collum M'Rea Moffett Norwood Oliver of C. Oliver of M. Paul Pette Rather Riddle Rugely Saunders of D. Saunders of L. Stephens Terrell and Watkins.

The question recurred upon the adoption of Mr Acklen's amendment and carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Conner: Mr Speaker—The Senate recede from their disagreement to the amendment of the House of Representatives to the bill entitled an act to provide for the payment of the land commissioners for certain services rendered to the State.

Mr Herbert, made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz: An act to dispose of certain public lands, and for other purposes; an act to authorize Willis Atkins and others to erect certain gates therein mentioned; an act to authorize Cornelius Rain to establish a turnpike road; an act to explain an act passed at the present session of the General Assembly.

Mr Oliver of C. moved to suspend the orders of the day preceding No. 212, to take into consideration the bill entitled an act to authorize the patentees therein named to practice medicine; which was carried. The bill was then read a second time, and the constitutional rule being dispensed with, it was considered as engrossed and read a third time forthwith, and the question being put, Shall this bill pass? it was determined in the negative. Yeas 22—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Acklen Foster Goyne Hall of A. Hays Hubbard Johnston Kilpatrick King of M. King of P. Lea M'Collum M'Rea M'Way Musgrove Nabors Shackleford Shearer Swink Snedcor Tarrant and Terrell.

Those who voted in the negative are, messrs Abernathy Augustus Baker Boyd Brodnax Carroll Cook Craig Dellet Drish Erwin Fontaine Gilbreath Goodwin Hall

of B. Harris Herbert Hickman Hollis Keener Lane Lockhart Loyd M'Kinley Moffett Moore Oliver of C. Oliver of M. Paul Payne Pecte Philpott Rather Riddle Ross Saunders of D. Saunders of L. Toulmin Walker and Watkins.

A message from the Senate by Mr Conner: Mr Speaker—The Senate concur in the amendments of the House to their resolution to elect a President and Directors of the Bank of the State of Alabama. They have passed a bill entitled an act for the relief of Edward Harriek: in which they ask the concurrence of the House of Representatives.

Then the House adjourned until 7 o'clock this evening.

Night session 7 o'clock.—On motion of Mr Acklen: *Resolved*, that the Senate be now informed that the House of Representatives is ready to receive them for the purpose of going into the election of a Digester of the Statute laws of the State, three persons to examine the same, and a President and twelve Directors for the Bank of the State of Alabama.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a President of the Bank of the State of Alabama. John L. Tindall alone being in nomination. For John L. Tindall 92 votes.

Those who voted for Mr Tindall are, Mr President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reprs. messrs Speaker Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyns Hall of A. Hall of B. Harris Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Collum M'Kinley M'R. a M'Vay Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedecor Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Mr Tindall having all the votes given, Mr Speaker declared Mr Tindall duly elected President of the Bank of the State of Alabama for twelve months.

The two Houses then proceeded to elect twelve Directors for the Bank of the State of Alabama. Mr J. P. Guild, William G. Parrish, Frederick C. Ellis, John O. Cummins, H. M. Andrews, Charles Lewin, Samuel B. Ewing, Thomas R. Bolling, William R. Colgin, Gilbert Saltonstall, Constantine Perkins, John H. Sommerville, John Owen, James H. Dearing, Nathan Hughes, Peter Martin, J. B. Pass, C. S. Pattison, S. M. Meek, James Hogan, Z. B. Snow, J. W. Terrell, A. M. Robinson. For Mr Guild 62; Parrish 60; Ellis 63; Cummins 41; Andrews 44; Lewin 63; Ewing 72; Bolling 74; Colgin 72; Saltonstall 55; Perkins 75; Sommerville 27; Owen 40; Dearing 30; Hughes 37; Martin 46; Pass 50; Pattison 26; Meek 12; Hogan 59; Snow 86; Ready 29; Terrell 21; Robinson 22.

Those who voted for Mr Guild are, messrs President Abercrombie Bridges Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Pickett Smith Vining Walthall. Reprs. messrs Speaker Acklen Augustus Baker Boyd Brodnax Cook Drish Erwin Faulk Farrar Fontaine Foster Gilbreath Goodwin Goyns Hall of A. Hall of B. Johnston Keener King of M. King of P. Lane Lockhart Loyd M'Afee M'Collum, M'Kinley M'Vay Norwood Oliver of M. Payne Pecte Philpott Ross Rugely Saunders of D. Shackelford Swink Stephens Tarrant Terrell Toulmin Ward Watkins Wilkinson.

Those who voted for Mr Parrish are, messrs President Anderson Barclay Bridges Conner Coopwood Edmondson Erwin of G. Hogan Irwin of H. Lawler M'Elderry Morton Pickett Smith Vining. Reprs. messrs Speaker Acklen Augustus Baker Boyd Campbell Carroll Cook Drish Erwin Faulk Farrar Fontaine Gilbreath Goodwin Goyns Hall of A. Hall of B. Hickman Hays Hogan King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Collum, M'Kinley M'Vay Moffitt Moore Musgrove Norwood Oliver of C. Paul Payne Pecte Philpott Rather Saunders of D. Saunders of L. Shackelford Swink Snedecor Stephens Tarrant Terrell Walker Ward Watkins.

Those who voted for Mr Ellis are, messrs President Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Irwin of H. Lawler Morton Vining Walthall. Reprs. messrs Abernathy Acklen Baker Boyd Campbell Carroll Cook Drish Erwin Faulk Gilbreath Goyns Hall of A. Hays Herbert Hickman Hollis Hubbard Johnston Keener Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Collum M'Kinley M'Vay Moffitt Moore Musgrove Norwood Oliver of C. Paul Payne Pecte Philpott Rather Saunders of D. Saunders of L. Shackelford Shearer Swink Snedecor Stephens Tarrant Terrell Toulmin Walker Ward Watkins.

Those who voted for Mr Cummins are, messrs President Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Irwin of H. Lawler Morton Vining Walthall. Reprs. Abernathy Boyd Campbell Carroll Dellet Drish Fontaine Foster Gilbreath Goodwin Hall of A. Hubbard Johnston Lane Lockhart Loyd Moffitt Musgrove Rather Riddle Rugely Shackelford Stephens Tarrant Terrell Walker.

Those who voted for Mr Andrews are, messrs Anderson Barclay Dupuy Edmondson Hemphill Hogan Perry Pickett Smith Vining. Reprs. messrs Carroll Craig Erwin Faulk Farrar Gilbreath Hall of A. Hall of B. Hays Hickman Hollis Kilpatrick King of M. King of P. Lane Lea Lockhart Loyd M'Afee M'Collum M'Kinley M'Vay Moffitt Musgrove Norwood Pecte Riddle Saunders of L. Shackelford Shearer Swink Snedecor Stephens Ward.

Those who voted for Mr Lewin are, messrs President Abercrombie Barclay Conner Coopwood Dupuy Edmondson Hemphill Irwin of H. Lawler M'Elderry Morton Perry Walthall. Reprs. Abernathy Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Faulk Foster Gilbreath Goodwin Goyns Hall of B. Harris Hollis Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Collum M'Kinley M'Vay Moore Musgrove Nabors Norwood Oliver of M. Payne Philpott Rather Ross Rugely Saunders of D. Shackelford Shearer Swink Snedecor Tarrant Terrell Toulmin Walker Ward Watkins.

Those who voted for Mr Ewing are, messrs President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reprs. messrs Speaker Abernathy Augustus Baker Boyd Brodnax Campbell Carroll Cook Craig Dellet Drish Faulk Foster Goodwin Goyns Hall of A. Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener King of M. King of P. Lane Lea Lockhart M'Collum M'Vay Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Payne Philpott Rather Riddle Ross Saunders of D. Saunders of L. Shackelford Terrell Toulmin Walker Ward Watkins.

Those who voted for Mr Bolling are, Mr President Abercrombie Anderson Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Pickett Perry Vining

Walthall. Reps. messrs Abernathy Augustus Baker Boyd Broadnax Carroll Cook Craig Dellet Erwin Farrar Gilbreath Goodwin Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. Lane Lea Lockhart M'Affe M'Vey Moffitt Moore Musgrove Nabors Oliver of M. Paul Payne Pette Philpott Rather Riddle Ross Rugely Saunders of D. Saunders of L. Shackelford Swink Terrell Toulmin Ward Watkins Wilkinson.

Those who voted for Mr Coniglar, messrs President Abernathy Barclay Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Vining Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Campbell Carroll Cook Dellet Drish Erwin Farrar Fontaine Foster Goodwin Hall of A. Harris Hays Herbert Hickman Holis Johnston King of P. Lane Lea Lockhart Loyd M'Affe M'Collum M'Kinley M'Vey Moffitt Moore Musgrove Nabors Norwood Oliver of C. Payne Pette Philpott Rather Riddle Ross Rugely Saunders of D. Shackelford Shearer Swink Stephens Tarrant Toulmin Walker Watkins Wilkinson.

Those who voted for Mr Saltonstall are, messrs President Anderson Barclay Conner Coopwood Hogan Irwin of H. Lawler M'Elderry Morton Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Campbell Cook Craig Dellet Erwin Farrar Fontaine Foster Hall of B. Harris Hays Herbert Hickman Hubbard Johnston Keener Kilpatrick King of P. Lane Lea Lockhart M'Affe M'Vey Moore Nabors Oliver of C. Paul Payne Pette Rather Riddle Ross Rugely Saunders of D. Saunders of L. Stephens Toulmin Watkins Wilkinson.

Those who voted for Mr Perkins are, messrs President Abernathy Anderson Barclay Bridges Edmondson Hogan Irwin of G. Hemphill Morton Pickett Smith Vining Walthall. Reps. messrs Speaker Abernathy Augustus Baker Broadnax Campbell Carroll Cook Dellet Drish Erwin Farrar Fontaine Foster Gilbreath Goodwin Gayne Hall of A. Hall of B. Harris Hays Herbert Hickman Holis Johnston Keener Kilpatrick King of P. Lane Lea Lockhart Loyd M'Affe M'Collum M'Kinley M'Vey Moffitt Moore Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Philpott Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Swink Snedcor Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for Mr Summerville are, messrs President Anderson Coopwood Hogan Perry Pickett Smith Walthall. Reps. messrs Acklen Boyd Broadnax Campbell Erwin Farrar Fontaine Harris Hays Hubbard M'Kinley Musgrove Oliver of C. Ross Saunders of D. Shearer Snedcor Toulmin.

Those who voted for Mr Owen are, messrs Abernathy Bridges Erwin of G. Hemphill M'Elderry Pickett. Reps. messrs Speaker Augustus Baker Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Harris Herbert Hickman Hubbard Johnston Keener Kilpatrick King of M. King of P. Loyd M'Affe M'Kinley M'Rea Moffitt Moore Oliver of M. Paul Pette Philpott Rather Ross Rugely Saunders of D. Shackelford Shearer Swink Stephens Tarrant Terrell Toulmin Walker Ward Watkins Wilkinson.

Those who voted for Mr Dearing are, messrs Abernathy Hogan M'Elderry Smith Vining. Reps. messrs Baker Campbell Dellet Drish Farrar Fontaine Foster Gilbreath Gayne Harris Kilpatrick King of M. M'Affe M'Kinley M'Rea Moffitt Moore Musgrove Oliver of M. Payne Pette Rugely Saunders of L. Stephens Toulmin Wilkinson.

Those who voted for Mr Hughes are, Mr President Barclay Conner Dupuy Edmondson Erwin of G. Hogan Perry Pickett. Reps. Mr Speaker Campbell Drish Erwin Farrar Gilbreath Gayne Hall of A. Hall of B. Harris Holis Hubbard Johnston Kilpatrick Loyd M'Collum M'Rea M'Vey Norwood Paul Philpott Rather Swink Snedcor Stephens Toulmin Walker.

Those who voted for Mr Martin are, messrs Bridges Coopwood Dupuy Edmondson Irwin of H. M'Elderry Morton Perry Pickett Smith Vining. Reps. messrs Abernathy Acklen Boyd Campbell Carroll Craig Faulk Gilbreath Gayne Hall of A. Hays Hickman Holis Johnston King of M. Lane Lockhart Loyd M'Collum M'Kinley M'Rea M'Vey Norwood Oliver of C. Paul Payne Pette Philpott Saunders of L. Shearer Swink Snedcor Stephens Tarrant Walker Wilkinson.

Those who voted for Mr Pass are, messrs Anderson Bridges Conner Coopwood Erwin of G. Hemphill Irwin of H. Morton Perry Pickett Smith. Reps. messrs Abernathy Acklen Augustus Boyd Broadnax Campbell Carroll Craig Drish Erwin Farrar Fontaine Gayne Hall of A. Harris Hays Herbert Hickman Keener Kilpatrick King of M. King of P. Lane Lea Lockhart M'Collum M'Rea Moffitt Nabors Oliver of C. Paul Philpott Rather Riddle Saunders of D. Shackelford Terrell Ward Watkins.

Those who voted for Mr Pattison are, messrs Conner Coopwood Dupuy Hemphill Irwin of H. Morton. Reps. messrs Abernathy Carroll Craig Gilbreath Goodwin Holis Hubbard Kilpatrick Loyd M'Collum M'Rea Moore Norwood Paul Riddle Shearer Snedcor Stephens Walker Ward.

Those who voted for Mr Mock are, Mr Smith. Reps. Hall of A. Herbert King of M. Lee M'Rea Oliver of C. Oliver of M. Shearer Snedcor Stephens Tarrant.

Those who voted for Mr Hogan are, messrs Abernathy Anderson Barclay Conner Edmondson Erwin of G. Hemphill Irwin of H. Lawler Perry Vining Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Broadnax Campbell Carroll Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Goodwin Hall of A. Harris Herbert Hubbard Johnston Keener King of P. Lane M'Affe M'Kinley M'Rea Musgrove Nabors Norwood Oliver of C. Oliver of M. Paul Philpott Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Tarrant Terrell Toulmin Watkins Wilkinson.

Those who voted for Mr Snow are, messrs Abernathy Hemphill Hogan Lawler M'Elderry Morton Perry Vining Walthall. Reps. messrs Speaker Augustus Lee Carroll Cook Craig Farrar Fontaine Goodwin Hall of B. Harris Herbert Holis King of M. M'Affe M'Rea Moore Nabors Oliver of M. Payne Pette Ross Rugely Saunders of D. Saunders of L. Toulmin Walker Wilkinson.

Those who voted for Mr Brady are, messrs Abernathy Hemphill. Reps. messrs Augustus Baker Broadnax Cook Dellet Farrar Fontaine Herbert Keener M'Affe M'Rea Nabors Oliver of M. Riddle Rugely Snedcor Tarrant Wilkinson.

Those who voted for Mr Terrell are, messrs Abernathy Dupuy Lawler. Reps. Acklen Carroll Goodwin Gayne Hall of B. Hickman Hubbard Kilpatrick King of M. Loyd M'Rea Nabors Oliver of M. Pette Shearer Swink Tarrant Toulmin Watkins.

Those who voted for Mr Robinson are, messrs Riddle Erwin of G. Reps. messrs Craig Herbert Hickman Holis King of M. M'Vey Moffitt Moore Nabors Oliver of C. Paul Payne Pette Riddle Shearer Snedcor Tarrant Ward.

Messrs Gresh, Parikh, Ellis, Lewin, Ewing Belling, Orpin, Saltonstall, Perkins, Owen, Pass, Hogan, having received a majority of all the votes given in, and the highest numbers, were declared by Mr Speaker duly elected directors of the Bank of the State of Alabama for the ensuing twelve months.

The two Houses then proceeded to the election of a digester of the statutes of the State of Alabama: P. M. Wilson, George N. Stewart and J. G. Aikin being in nomination. For Mr Wilson 22, for Mr Stewart 13, for Mr Aikin 54.

Those who voted for Mr Wilson are, messrs Abernathy Campbell Edmondson Hemphill Irwin of G. Hemphill Irwin of H. Lawler M'Elderry Morton Perry. Reps. Abernathy Baker Broadnax Boyd Broadnax Campbell Carroll Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Harris Herbert Hickman Holis Johnston Keener Nabors Oliver of M. Rather Rugely Saunders of D. Shearer Tarrant.

Those who voted for Mr Stewart are, messrs President Conner Erwin of G. Hogan Lawler Walthall. Reps. messrs Speaker Augustus Baker Boyd Broadnax Campbell Carroll Cook Craig Dellet Drish Erwin Farrar Fontaine Foster Goodwin Hall of A. Harris Hays Herbert Hickman Holis Johnston Kilpatrick King of M. King of P. Lane Lea Loyd M'Affe M'Kinley M'Rea M'Vey Moore Musgrove Nabors Oliver of C. Paul Payne Pette Philpott Riddle Ross Saunders of L. Shackelford Swink Snedcor Stephens Tarrant Ward Watkins Wilkinson.

Those who voted for Mr Aikin are, messrs Anderson Barclay Bridges Dupuy Edmondson Hemphill Irwin of H. Pickett Smith Vining. Reps. messrs Acklen Boyd Campbell Erwin Farrar Fontaine Foster Gilbreath Goodwin Gayne Hall of A. Hall of B. Harris Hickman Holis Johnston Kilpatrick King of M. King of P. Lane Lea Loyd M'Affe M'Kinley M'Rea M'Vey Moore Musgrove Nabors Oliver of C. Paul Payne Pette Philpott Riddle Ross Saunders of L. Shackelford Swink Snedcor Stephens Tarrant Ward Watkins Wilkinson.

Mr Aikin having received a majority of all the votes given in, was declared by Mr Speaker, duly elected digester of the statute laws of the State of Alabama.

The two Houses then proceeded to the election of three commissioners to examine

the digested laws of the State of Alabama: Messrs C. R. Clifton, T. Owen, R. Y. Gordon, — Mitchell, John Brown, (Red.) Wm. J. Van De Graff, being in nomination.

Those who voted for Mr Clifton are, messrs Abernethy Anderson Barclay Bridges Conner Coopwood Edmondson Hemphill Hogan Lawler McElrery Marion Perry Pickett Smith Vining. Repts. messrs Speaker Abernethy Acklen Bradburn Carroll Craig Dicket Farner Foster Gibbith Goodwin Goyne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener King of M. Lane Lockhart Lloyd McCallum McKinley McRea Musgrave Nabors Norwood Oliver of M. Paul Payne Pate Philpott Rather Riddle Rugely Saunders of D. Saunders of L. Swink Stephens Tarrant Terrell Toumin Walker Watkins Wilkinson.

Those who voted for Mr Owen are, messrs Abernethy Anderson Erwin of G. Hemphill Irwin of H. Perry Vining and Walhath. Repts. messrs Acklen Augustus Baker Boyd Cook Drish Fountain Foster Hall of A. Hubbard Kilpatrick Keener King of M. King of L. Lloyd McCallum McRea Philpott Shackelford Shamer Snedcor Tarrant Terrell Toumin Watkins Wilkinson.

Those who voted for Mr Gordon are, messrs President Abernethy Bridges Conner Dupuy Edmondson Erwin of G. Hemphill Irwin of H. McElrery Marion Perry Pickett Smith Walhath. Repts. messrs Speaker Abernethy Acklen Augustus Baker Bradburn Campbell Carroll Cook Craig Dicket Erwin Farner Fountain Goodwin Goyne Hall of A. Hall of B. Harris Hickman Hollis Keener King of P. Lane Lockhart McAlfe McKinley McRea McVay Moffitt Moore Musgrave Nabors Oaker of C. Oaker of M. Paul Pate Rather Riddle Ross Rugely Saunders of D. Shackelford Shamer Swink Toumin Ward Watkins.

Those who voted for Mr Mitchell are, messrs Barclay Coopwood. Repts. Abernethy Boyd Campbell Drish Farner Hubbard Johnston Lane McVay Moffitt Moore Norwood Payne Snedcor Stephens Ward.

Those who voted for Mr Brown are, messrs President Conner Coopwood Dupuy Edmondson Hogan Irwin of H. Lawler Morton Vining. Repts. Baker Bradburn Carroll Erwin Farner Fountain Goyne Goodwin Goyne Harris Hollis Johnston Kilpatrick King of M. Lane Lloyd McAlfe McVay Moore Musgrave Nabors Oliver of C. Oliver of M. Norwood Philpott Rather Ross Rugely Saunders of L. Shamer Swink Tarrant Terrell Watkins Ward.

Those who voted for Mr Van De Graff are, messrs President Anderson Barclay Bridges Erwin of G. Lawler McElrery Pickett Smith Walhath. Repts. messrs Speaker Augustus Boyd Campbell Cook Craig Dicket Drish Erwin Fountain Foster Hall of A. Hall of B. Hickman Kilpatrick King of P. Lane Lockhart McAlfe McCallum McKinley Moffitt Oliver of C. Paul Payne Pate Riddle Ross Saunders of D. Shackelford Snedcor Stephens Watkins Ward.

Messrs Clifton, Gordon and Brown having received a majority of all the votes given in, were declared by Mr Speaker, duly elected.

The Senate then withdrew. And the House adjourned until to-morrow morning 10 o'clock.

Saturday, Jan. 21, 1832.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Conner: Mr Speaker—The Senate have passed a bill entitled an act to change the name of William Williams. They have also passed bills which originated in the House of Representatives, of the following titles, viz: An act making appropriations for the year one thousand eight hundred and thirty-two; an act to provide for the election of justices of the peace, and constables in the corporate limits of the town of Huntsville; an act more effectually to secure to militia officers the infantry tactics received by this State from the General Government; an act to increase the number of jurors to attend the circuit court in the county of Wilcox; an act to discontinue and establish certain election precincts; joint resolutions recommending Andrew Jackson for re-election to the Presidency of the United States; an act supplemental to an act to establish a turnpike road therein mentioned, approved January 7, 1830; an act making provision for the taxing of cattle in this State which are the property of non-residents; the two last of which they have amended as set forth in the same, in all of which they desire the concurrence of the House of Representatives.

The bill from the Senate entitled an act for the relief of Edward Handrick, was read a first time. Mr Baker moved that it be forthwith sent back to the Senate to be placed in parliamentary form; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have adopted the following resolution, in which they request the concurrence of the House of Representatives: *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses will have finished the business before them this day at 11 o'clock, P. M. and will then be ready to adjourn *sine die*, if he has no further communication to make. They have appointed messrs Perry, Lawler and Erwin of G. a committee on the part of the Senate.

In which resolution the House concurred. Whereupon messrs Acklen, Erwin and Moffitt were appointed said committee. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to change the name of William Williams, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Governor by James I. Thornton, which is as follows: Mr Speaker—The Governor did on the 20th inst. approve and sign bills of the following titles, viz: An act to authorize the establishment of a road from Florence to the Tennessee line; an act to alter and amend in part an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, approved January 16, 1832; an act to authorize Joseph G. Garrett and James W. Hill of Madison county, to build a mill on the river Paint Rock, in said county; an act to authorize the sale of a lot in the town of Cahawba; an act to incorporate the Montgomery railroad company; an act to discontinue and establish certain election precincts therein specified; an act to change the time of holding the circuit courts in the second judicial circuit; an act to add a part of the county of Tuscaloosa to Fayette county; an act to repeal in part an act authorizing a jury to be drawn to attend the county courts of certain counties, and for other purposes, approved January 13, 1831; an act for the relief of Thompson Chiles, and others; and on to-day, an act relating to the alternating of the judges of the circuit courts of this State; all of which originated in the House of Representatives.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act providing for the taxing of cattle in this State, which are the property of non-residents.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to establish a turnpike road therein mentioned, approved January 7, 1830.

Mr Fontaine presented the memorial of the judge of the county court of Walker county, praying the passage of a law authorizing the commissioners court to employ some suitable person to transcribe the records of the office of the clerk of the county court of Walker county; which was read and referred to the members of Tuscaloosa county, to consider and report thereon.

Mr Fontaine, from the select committee to whom was referred the petition of David Murphree, judge of the county court of Walker county, praying the passage of a law authorizing the said judge and commissioners of revenue and roads of said county, to have the records of the clerk's office of said county transcribed, reported a bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county, to have the records of said county transcribed; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr M'Kinley and others availed themselves of the constitutional privilege of spreading on the journals of this House, their reasons for voting against the adoption of the resolution introduced by Mr Rather on the 10th instant; which is as follows:

The undersigned, members of the House of Representatives, who voted against the following resolution, to wit: *Resolved by the House of Representatives*, That the Senate be informed, that the members of this House will assemble at the hour of

half past six o'clock this evening, in their individual capacity, in the Representative Hall, for the purpose of nominating electors of President and Vice-President of the United States, at which time and place the Senators in the same capacity are respectfully invited to attend," beg leave to enter on the journal the reasons which influenced their votes, and their protest against the power exercised by a majority of this House.

All power not granted by the Constitution is retained by and belongs exclusively to the people, and cannot be exercised by any public functionary. As no authority can be found for the exercise of this power, we are constrained to regard its exercise here as an usurpation. The members of the Legislature, it is true, have the right, in common with other citizens, to nominate candidates for electors; but we deny that they possess any other or greater right. If the relation which subsists between them and their constituents increase their influence at a meeting held for that purpose, and will give greater weight to their opinions and recommendations, it is obvious that they hold, on such occasions, a factitious advantage over other citizens who may be equally meritorious. These advantages, it seems to us, ought to satisfy the most greedy aspirant after power. But when it is attempted to superadd to the influence, the legislative sanction of the House, and to exclude all but members of the Legislature from the right to participate in the nomination of candidates for electors, we can but view it as a gross usurpation of power, and as an attempt to establish an aristocracy. We, therefore, consider ourselves bound, not only to abstain from the exercise of this lawless power, but to protest against its exercise by others.

If it be lawful *now* to nominate candidates for electors by a *quasi* act of legislation, the precedent being established, it may hereafter be deemed lawful to declare, by a full and complete act of legislation, who shall be elected by the people to this or any other office, leaving to them the privilege of registering the edicts of the Legislature, in lieu of the full, free and unrestrained right of suffrage. Thus will the servants become the masters, and the masters the servants, and free suffrage nothing but a name. It was by means like these, that freedom has been destroyed in former ages, and in other countries. In the sacred name of liberty, have her enemies attacked and overthrown her citadels, and established on their ruins the thrones of despots. It is from those wearing her livery, and professing her name, that most is to be feared, especially when they venture to resort to means to promote their ends, not sanctioned by her laws.

The people of the United States have, by a long and continued effort, succeeded in putting down congressional caucuses. They made this effort, because they considered that Congress was usurping powers which belonged to the great body of the people, and which had not been, and could not be delegated by them to that body. If a congressional caucus is an usurpation of power, so is a legislative caucus; if one leads to aristocracy, so does the other; if one is dictation to the people, so is the other. But in the exercise of this power by Congress, they never ventured so far as to profane the journal of either House with any proceeding in relation; nor did they dare to prostitute the legislative power to any such objects as has been done by this House in the case under consideration. No; that body was not content with the out-of-door-influence derived from their character of representatives of the people; and in that character only did they act, and not in their legislative character. And even this has been reprobated, condemned, and put down by the people of the United States. And will the people of Alabama approve the exercise of a power, by their House of Representatives, more lawless, more dictatorial, more aristocratic; and one, too, which is wholly unnecessary and uncalled for?

It may be attempted to assimilate the power under consideration, to that frequently exercised by the Legislature, in recommending a candidate to the office of President of the United States. To this we answer, that neither the power nor the object is the same. The Legislature never does attempt to nominate to the people of this State a candidate for President; but, on the contrary, in pursuance of their will, the Legislature merely recommends the man who has been selected by their constituents, to the people of the other States. In the exercise of this power, they follow and obey the will of their constituents. In the exercise of the power of nominating candidates, the election of which belongs exclusively to the people of this State, this House has attempted to guide the will of the people, and mould it to its own views and purposes. This is using the "little brief authority" with which the people have clothed their representatives, to dictate to them in a matter which belongs to the great body of the people, and to this House only as a very small part of that great whole. As well might this House undertake to nominate candidates for Congress, for Governor, or for the State Legislature, as for Electors.

The day preceding that on which the resolution complained of was passed, a general meeting was held in the State House, composed of nearly every member of the Legislature, of lawyers and others from distant counties, and of a portion of the people of Tuscaloosa, for the purpose of nominating an electoral ticket. At this meeting the Governor of the State presided. A committee of twenty-two persons, one from each Senatorial District, was appointed for the purpose of recommending to the meeting candidates for electors, &c. The meeting then adjourned to the next day, with the view then to receive and act upon the report of the committee. Pending this proceeding, and before the time arrived for the adjourned meeting, the resolution complained of was introduced into the House, and passed. The undersigned regard the meeting composed promiscuously of members of the Legislature, and other citizens, as wholly unexceptionable, and such an one as members of the Legislature had a right to attend. To this organization of the meeting, the friends of the legislative caucus objected; and upon this ground did they pray to pass the resolution against which the undersigned voted, and offer the foregoing as their reasons for said vote.

Signed by J. McKinley, W. N. Moffett, W. Saunders, H. W. Goyne, W. W. Payne, G. B. Augustus, John C. Kilpatrick, H. M'Vay, David R. Boyd, Thomas Kiddle, Samuel W. Oliver, John Lockhart, J. B. Stephens, William S. Hays, Jno. Gilbreath, Dixon Hall, John Faulk, Henry Norwood, Jno. Watkins.

The undersigned, whose name does not appear on the Journal as having voted on said resolution, has a distinct recollection that he did vote in the negative. He, therefore, deems it proper to unite in the foregoing protest, and he approves the reasons assigned for such vote.

ARGYLE CAMPBELL.

On motion of Mr Johnston: *Resolved*, that the prompt, able and impartial discharge of the duties of Mr Speaker of this House, justly entitle the Hon. James Penn to the thanks of this body.

On motion of Mr Baker: *Resolved*, that with the concurrence of the Senate the two Houses will meet in the Representative Hall this day at the hour of twelve o'clock, for the purpose of locating the Branch of the Bank of the State of Alabama.

The House then proceeded to the consideration of the orders of the day.

Mr Erwin moved to suspend the orders of the day preceding No. 329, to take into consideration the bill from the Senate entitled an act to organize a legion of volunteers for the city and county of Mobile; which was carried. The bill was then read a second time and referred to a select committee consisting of messrs Erwin, Toulmin and Hall of B.

Mr Saunders of L. moved to suspend the orders of the day preceding No. 201, to take into consideration the bill entitled an act to divorce certain persons therein named; which was carried. *Ordered*, that the bill lie on the table.

Mr Saunders of L. moved to suspend the orders of the day preceding No. 103, to take into consideration the bill entitled an act to divorce certain persons therein named; which was carried. The bill was then read a second time. Mr Saunders of L. moved to amend it by adding thereto two additional sections; which was adopted. And the rule requiring bills to be read on three several days being dispensed with it was considered as engrossed, and the rule being further dispensed with, the bill was then read the third time forthwith and passed. Yeas 42—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Abernathy Augustus Boyd Campbell Craig Dellet Farrar Fontaine Gilbreath Goyne Hall of A. Hall of B, Harris Hays Herbert Hickman Johnston Kilpatrick King of P. Lea Lockhart M'Affee M'Collum M'Rea M'Vay Moffett Norwood Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Saunders of L. Shearer Terrell Toulmin Ward and Wilkinson.

Those who voted in the negative are, messrs Foster Musgrove Nabors Stephens and Walker.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Penn moved to suspend the orders of the day preceding No. 306, to take into consideration the bill entitled an act to establish an academy of learning at Triana, in Madison county; which was carried. The bill was then read a second time, and the rule being further dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Herbert made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills and resolutions of the following titles, to wit: An act to increase the number of jurors to attend the circuit court in the county of Wilcox; joint resolution recommending Andrew Jackson for re-election to the Presidency of the United States.

Mr Harris moved to suspend the orders of the day preceding No. 350, to take into consideration the resolutions from the Senate proposing to amend the constitution of the State of Alabama, so as to permit the Legislature thereof to lay off the several judicial circuits in such manner as will best promote the interest and convenience of the people of said State; it was read a second time. Mr Peete offered the following amendment: *And be it further resolved*, that no person shall be elected to any office, the appointment to which is made by the General Assembly, who is a member of the General Assembly at the time of said appointment; which was adopted. Mr Acklen moved that the resolutions lie on the table; which was carried.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: An act to discontinue and establish certain election precincts therein named; an act making provision for the taxing of cattle in this State, which are the property of non-residents; an act supplemental to an act to establish a turnpike road therein mentioned, approved January 7, 1830; which were severally signed by Mr Speaker.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have concurred in the resolution from the House of Representatives proposing that the two Houses will convene in the Representative Hall this day at 12 o'clock, for the purpose of locating the Branch of the Bank of the State of Alabama. They have also passed a bill which originated in the House of Representatives, entitled an act to establish an academy of learning at Triana, in Madison county.

On motion of Mr Saunders of L: *Resolved*, that the Senate be now informed that the House of Representatives is ready to receive them in the Representative Hall for the purpose of locating the Branch of the Bank of the State of Alabama.

On motion of Mr Herbert: *Ordered*, that Mr Saunders of D. have leave of absence from this House for the remainder of the session.

Ordered, that Mr Watkins have leave of absence from this House, from and after the hour of 10 o'clock, P. M.

Mr Campbell moved to suspend the orders of the day preceding No. 226, to take up the bill entitled an act to incorporate the Moulton female academy; which was carried. The bill was then read a second time, and the rule being further dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Baker moved to suspend the orders of the day preceding No. 354, to take up the bill entitled an act to legitimate and change the names of certain

persons therein named; which was carried. The bill was then read a second time, and the rule being further dispensed with, it was read the third time forthwith and considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen made the following report: The joint committee of the two Houses appointed to wait on his Excellency the Governor, and inform him that the two Houses will have finished the business before them this day at 11 o'clock, P. M. and will then be ready to adjourn *sine die*, if he has no further communication to make, have performed that duty, and received for answer, that he has no further communication to make. *Ordered*, that the report lie on the table.

Mr Moffett moved to suspend the orders of the day preceding No. 294.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a site to locate the Branch Bank of the State of Alabama. The towns of Montgomery, Mobile, Cahawba, Huntsville, Athens, Decatur, Courtland, Tusculumbia, Marion, Claiborne, being in nomination. For Montgomery, 28; for Mobile, 11; for Cahawba, 5; for Huntsville, 14; for Marion, 5; for Athens, 7; for Decatur, 5; Courtland, 10; for Tusculumbia, 3; for Claiborne, 3.

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Keener Loyd M'Affee Nabors Oliver of M. Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, mr President Bridges Erwin of G. Hogan. Reps. Erwin Hall of B. Harris Lockhart Oliver of C. Toulmin Wilkinson.

Those who voted for Cahawba are, messrs Perry. Reps. Herbert Moore Paul Saunders of D.

Those who voted for Huntsville are, messrs Barclay Powell Vining. Reps. messrs Speaker Acklen Carrell Fontaine Foster Gilbreath King of M. Norwood Peete Swink Stephens.

Those who voted for Athens are, messrs Edmondson. Reps. Goyne Johnston Lane M'Kinley M'Vay Saunders of L.

Those who voted for Decatur are, messrs M'Elderry. Reps. Hickman, Musgrove, Philpot and Rather.

Those who voted for Courtland are, messrs Coopwood. Reps. Abernathy Boyd Campbell Drish Hollis Hubbard Kilpatrick M'Collum Walker.

Those who voted for Tusculumbia are, messrs Morton. Reps. M'Rae Payne.

Those who voted for Marion are, messrs Walthall. Reps. King of P. Lea Shackelford Snedcor.

Those who voted for Claiborne are, messrs Smith. Reps. Faulk Hays.

Neither having a majority the two Houses proceeded to a second ballot. Montgomery, Mobile, Huntsville, Athens, Decatur and Courtland, being in nomination. For Montgomery, 30; Mobile, 18; Huntsville, 15; Athens, 5; Decatur, 5; Courtland, 12.

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Herbert Keener Loyd M'Affee Nabors Oliver of M. Paul Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, messrs Erwin of G. Hogan Smith Walthall. Reps. Erwin Hall of B. Harris Hays King of P. Lea Lockhart Moffett Moore Oliver of C. Saunders of D. Snedcor Toulmin Wilkinson.

Those who voted for Huntsville are, messrs Barclay Vining. Reps. mr Speaker Acklen Carroll Drish Fontaine Foster Gilbreath King of M. Norwood Peete Shackelford Swink Stephens.

Those who voted for Decatur are, messrs M'Elderry. Reps. Hickman Musgrove Philpot Rather.

Those who voted for Athens are, messrs Edmondson. Reps. Johnston Lane M'Vay Saunders of L.

Those who voted for Courtland are, messrs Coopwood Morton. Reps. Abernathy Boyd Campbell Goyne Hollis Hubbard Kilpatrick M'Collum M'Rea Payne.

Neither having a majority the two Houses proceeded to a third ballot. **Montgomery, Mobile, Huntsville, Athens and Courtland.** For **Montgomery 32; Mobile 16; Huntsville 16; Athens 4; Courtland 18.**

Those who voted for Montgomery are, messrs Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Hall of B. Harris Herbert Keener Loyd M'Affee Nabors Oliver of M. Paul Ross Rugely Tarrant Terrell Ward.

Those who voted for Mobile are, messrs Bridges Erwin of G. Hogan Smith Walthall. Reps. Erwin Hays King of P. Lea Moffett Moore Oliver of C. Saunders of D. Snedcor Toulmin Wilkinson.

Those who voted for Huntsville are, messrs Barclay Vining. Reps. mr Speaker Acklen Carroll Drish Fontaine Foster Gilbreath King of M. M'Vay Norwood Pecte Shackleford Swink Stephens.

Those who voted for Athens are, messrs Edmondson. Reps. Johnston Lane Saunders of L.

Those who voted for Courtland are, messrs Coopwood M'Elderry. Reps. Abernathy Boyd Campbell Goyne Hickman Hollis Hubbard Kilpatrick Lockhart M'Collum M'Rea Musgrove Payne Philpott Rather Walker.

Neither having a majority the two Houses then proceeded to a fourth balloting. For **Montgomery 39; Mobile 9; Huntsville 16; Courtland 22; Athens 2.**

Those who voted for Montgomery are, messrs President Abercrombie Anderson Conner Dupuy Hemphill Irwin of H. Lawler Perry Pickett. Reps. messrs Augustus Baker Brodnax Cook Craig Dellet Farrar Goodwin Hall of A. Hall of B. Harris Herbert Keener King of P. Loyd M'Affee Moffett Moore Nabors Oliver of C. Oliver of M. Paul Ross Rugely Shackleford Tarrant Terrell Ward Wilkinson.

Those who voted for Mobile are, messrs Erwin of G. Hogan Smith Walthall. Reps. messrs Erwin Hays Lea Saunders of D. Toulmin.

Those who voted for Huntsville are, messrs Barclay Bridges Vining. Reps. messrs Speaker Acklen Carroll Drish Fontaine Foster King of M. Gilbreath M'Vay Norwood Pecte Swink Stephens.

Those who voted for Courtland are, messrs Coopwood M'Elderry Morton. Reps. messrs Abernathy Boyd Campbell Goyne Hickman Hollis Hubbard Johnston Kilpatrick Lockhart M'Collum M'Rea Musgrove Payne Philpot Rather Saunders of L. Snedcor Walker.

Those who voted for Athens are, mr Edmondson. Reps. mr Lane.

Neither of them having a majority, the two Houses proceeded to a fifth ballot: **Montgomery, Huntsville, Courtland and Athens, being in nomination.** For **Montgomery 46; for Huntsville 9; for Courtland 29; Athens 1.**

Those who voted for Montgomery are, messrs President Abercrombie Anderson Conner Dupuy Erwin of G. Hemphill Irwin of H. Lawler Perry Pickett Smith Walthall. Reps. messrs Augustus Baker Brodnax Cook Craig Dellet Erwin Farrar Goodwin Hall of A. Hall of B. Harris Herbert Keener King of P. Lea Loyd M'Affee M'Vay Moore Nabors Oliver of C. Oliver of M. Paul Ross Rugely Saunders of D. Shackleford Tarrant Terrell Toulmin Ward Watkins.

Those who voted for Huntsville are, messrs Hogan Vining. Reps. messrs Speaker Acklen Carroll Drish Foster King of M. Pecte.

Those who voted for Courtland are, messrs Barclay Bridges M'Elderry Morton. Representatives, messrs Abernathy Boyd Campbell Fontaine Gilbreath Goyne Hickman Hollis Hubbard Johnson Kilpatrick Lockhart M'Collum M'Rea Musgrove Norwood Payne Philpott Rather Saunders of L. Swink Snedcor Stephens Walker.

Mr Edmondson voted for Athens.

Montgomery having a majority of all the votes, mr Speaker declared that Montgomery was duly elected the site for the location of the branch bank of the State of Alabama.

The Senate then withdrew, and the House adjourned until this evening at 3 o'clock.

Evening Session, 3 o'clock.—Mr Craig moved a call of the House, when the following members answered to their names, viz: messrs Speaker, Abernathy, Baker, Brodnax, Carroll, Cook, Craig, Dellet, Drish, Fontaine, Foster, Johnston, Keener, Lockhart, M'Affee, M'Kinley, M'Rea, M'Vay, Moffet,

Nabors, Oliver of M. Paul, Peete, Rather, Ross, Rugely, Shackelford, Shearer, Snedcor, Tarrant, Terrell, Toulmin and Wilkinson. A quorum then assembled, and the House proceeded to business.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have passed joint resolutions to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes: in which they ask the concurrence of the House of Representatives. They have passed bills from the House of Representatives of the following titles, viz: an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to have the records of said county transcribed; an act making appropriations for certain claims against the State. The last of which they have amended as therein shown: in which they ask the concurrence of the House of Representatives. They have caused to be put in parliamentary form the bill entitled an act for the relief of Edward Hanrick, which was this morning returned to the Senate for that purpose.

The bill from the Senate entitled an act to incorporate the Big Prairie Creek Navigation Company, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid.—*Ordered*, that the clerk acquaint the Senate therewith.

The joint resolutions from the Senate entitled joint resolutions to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes, was read the first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Fontaine moved to amend the resolution by striking out the name of "James Rather," which occurs in the latter part of the resolution, to insert the name of "Thomas Emond" in lieu thereof; which was lost. Mr Craig moved to strike out the name of "Thomas Emond" in the first part of the resolution, to insert the name of "James Rather." A division of the question being called for, the vote was first taken on striking out, and carried. The blanks were then filled with the name of "James Rather," and the rule being further dispensed with, the resolution was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Paul made the following report: The committee on enrolled bills have examined and found correctly enrolled, An act making appropriations for the year 1832.

Mr Peete moved that the orders of the day be suspended; which was carried.

Mr Peete introduced a bill to be entitled an act to provide for the payment of the reporter of the decisions of the supreme court of 1829 and 1830; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, was then read a second time, and the rule being further dispensed with, it was then read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act for the relief of Edward Hanrick, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was then read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the several amendments made by the

Senate to the bill entitled an act making appropriations for certain claims against the State.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill which originated in the House of Representatives, entitled an act to divorce certain persons therein named, which they have amended as shewn in the bill: and in which they ask the concurrence of the House of Representatives.

Ordered, that the House concur in the several amendments made by the Senate to said bill.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill from the House of Representatives entitled an act to legitimate and change the names of certain persons therein named.

Mr Peete introduced a bill to be entitled an act to repeal in part an act in relation to the alternation of judges, approved January 21, 1832; which was read the first time. Mr M'Kinley moved that the bill lie on the table; which was lost. The question was then put on dispensing with the constitutional provision and reading it a second time forthwith, and lost. Yeas 24—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Campbell Carroll Dellet Drish Fontaine Foster Gilbreath Harris Herbert Hickman Hubbard King of M. Lane Oliver of C. Oliver of M. Paul Peete Philpot Rather Stephens and Terrell.

Those who voted in the negative are, messrs Abernathy Boyd Craig Erwin Farrar Gowin Gayne Johnston Keener Kilpatrick King of P. Lea Loyd M'Affee M'Kinley M'Rea M'Way Moore Musgrove Nabors Shackleford Shearer Snedcor Tarrant and Ward.

Ordered, that the bill lie on the table.

A message from the Senate by Mr Conner: Mr Speaker—The Senate concur in the resolution from the House, proposing to go into the election of judges of the first, second and fifth circuits, and have amended the same by striking from the resolution the word "fifth," and also the words "on Friday evening at 7 o'clock," and insert in lieu thereof the words "Saturday evening at 7 o'clock;" in which they ask the concurrence of the House.

A division of the question being called for, Mr Baker moved that the House disagree to the amendment made by the Senate, by striking out the word "fifth;" which was carried. Yeas 29—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Acklen Baker Brodnax Carroll Dellet Drish Fontaine Foster Gilbreath Hall of B. Herbert Hickman Hubbard King of M. Lane Norwood Oliver of M. Paul Peete Philpot Rather Rugely Saunders of L. Swink Stephens Terrell Toulmin and Wilkinson.

Those who voted in the negative are, messrs Abernathy Augustus Boyd Craig Erwin Farrar Goodwin Johnston Keener Kilpatrick King of P. Lea Lockhart Loyd M'Kinley M'Rea M'Way Moore Musgrove Nabors Oliver of C. Payne Ross Shackleford Snedcor and Tarrant.

Ordered, that the House concur in the other amendments made by the Senate to said resolution.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, viz: An act to provide for the election of justices of the peace and constables in the corporate limits of the town of Huntsville; an act more effectually to secure to militia officers the infantry tactics, received by this State from the General Government; an act to legitimate and change the names of certain persons therein named; an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county, to have the records of said court transcribed; and an act to provide for the payment of the reporter of

the decisions of the supreme court, for reporting the decisions of 1829 and 1830: which bills were severally signed by mr Speaker.

A message from the Senate by mr Conner: Mr Speaker—The Senate disagree to the amendment of the House of Representatives to the joint resolution to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes. They have adopted the following resolution: *Resolved*, that with the concurrence of the House of Representatives the two Houses will assemble in the Representative Hall this evening at the hour of seven o'clock, for the purpose of electing a president and twelve directors of the branch bank of the State of Alabama. They have passed a bill to provide for the payment of the reporter of the decisions of the supreme court, for reporting the decisions of 1829 and 1830.

Ordered, that the House concur in the resolution proposing to go into the election of a president and twelve directors of the branch bank of the State of Alabama. *Ordered*, that the clerk acquaint the Senate therewith.

The joint resolution from the Senate to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes, being under consideration, mr Philpot moved that the House insist on their amendments to said resolution; which was carried.

Mr Erwin moved to suspend the orders of the day preceding No. 271, to take into consideration the bill from the Senate entitled an act to incorporate the Mobile manufacturing company; which was carried. The bill was then read a second time, and the constitutional provision being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Acklen moved to suspend the orders of the day preceding No. 104, to take into consideration the bill entitled an act to authorize and require the register and receiver of the land office at Courtland, to permit Jesse Coe and Bartley Cox to enter certain lands therein named; which was lost.

Mr Paul moved to suspend the orders of the day preceding No. 358, to take into consideration the engrossed bill entitled an act for the relief of Wm. Taylor; which was carried. The bill was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Saunders of L. moved to suspend the orders of the day preceding No. 88, to take into consideration the bill entitled an act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; which was carried. The bill was read a second time forthwith; the constitutional provision being dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Abernathy moved to suspend the orders of the day preceding No. 359, to take into consideration the bill from the Senate entitled an act to reduce the number of circuits in the State of Alabama to six; which was lost. *Ordered*, that the bill lie on the table.

Mr Hubbard moved to suspend the orders of the day preceding No. 269, to take into consideration the bill from the Senate entitled an act to legitimate Thomas Maxwell, junior, son of Thomas Maxwell, senior; which was carried. The bill was then read a second time, and the constitutional provision being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hubbard moved to suspend the orders of the day preceding No. 200, to take into consideration the bill from the Senate entitled an act supplementary to an act entitled an act to appoint canal commissioners, for the improvement of the navigation of the Tennessee river, and for other purposes; which was carried. The bill was then read a second time, and the constitutional provision being dispensed with, it was then read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Erwin, from the select committee to whom was referred the bill from the Senate entitled an act to organize a legion of volunteers for the city and county of Mobile, reported an amendment, which was concurred in by the House, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

And then the Senate adjourned until 7 o'clock this evening.

Night Session, 7 o'clock.—The House met pursuant to adjournment.

Mr Fontaine moved to suspend the orders of the day preceding No. 293, to take into consideration the bill from the Senate entitled an act to establish a State road leading from Tuscaloosa to Montgomery; which was carried. The bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Herbert made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to divorce certain persons therein named; and an act making appropriations for certain claims against the State.

Mr Payne offered the following resolution: *Resolved*, that the Senate be informed that this House is now ready to receive them for the purpose of going into the election of two judges for the first and second judicial circuits; and a president and twelve directors of the branch of the Bank of the State of Alabama. Mr Dellet moved to amend the resolution by inserting after the word second, the words "and fifth;" which was adopted. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by mr Morton: Mr Speaker—The Senate insist on their amendment to the resolution from the House of Representatives proposing to go into the election of three judges. They have adopted the following resolution: *Resolved*, that the House of Representatives be informed that the Senate are now prepared to repair to the Representative Hall in order to go into the election of a president and twelve directors of the branch of the Bank of the State of Alabama.

Mr Rather moved that the further consideration of the orders of the day be postponed until Saturday next; which was carried.

Mr Paul moved that the House recede from their disagreement to the amendment made by the House to the resolution proposing to go into the election of the judges of the first, second and fifth circuits, by striking out the word "fifth;" which was lost. Yeas 29—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Augustus Baker Boyd Brodnax Craig Farrar Goodwin Hays Herbert Johnson Keener King of P. Lea Lockhart Loyd M'Collum M'Vay Moffett Moore Musgrove Nabors Oliver of M Paul Payne Ross Rugely Saunders of D. Shackelford Snedcor Tarrant.

Those who voted in the negative are, messrs Speaker Acklen Campbell Carroll

Dellet Drish Erwin Fontaine Foster Gilbreath Goynes Hall of B. Hickman Hollis Hubbard Kilpatrick Lane Norwood Oliver of C. Peete Philpott Rather Saunders of L. Shearer Swink Stephens Terrell Toulmin Walker Ward Wilkinson.

Mr Acklen moved that a committee of conference be appointed to adjust the difference between the two Houses in relation to the amendment made by the Senate to the resolution proposing to go into the election of judges of the first, second and fifth judicial circuits by striking out the word "fifth;" which was carried. Whereupon messrs Dellet, Acklen, Erwin, Fontaine and Baker were appointed said committee. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Conner: Mr Speaker—The Senate disagree to the amendment of the House made to the first section of the bill entitled an act to attach to certain counties therein named the territory west of the Tombeckbee river. They concur in the other amendments, except the 9th section to which they disagree. They insist on their disagreement to the amendment of the House to the joint resolution to keep and preserve all the furniture of the General Assembly, and for other purposes. They concur in the amendment of the House to the bill to establish a legion of volunteers in the county and city of Mobile. They have passed a bill entitled an act to repeal in part an act to dispose of certain lands therein named, approved January 20th, 1829.

Mr Moffett moved that the House recede from their amendment to the bill to attach to certain counties therein named the territory west of the Tombeckbee river, viz: strike out "Horn creek" and insert in lieu thereof "residence of maj. John M'Grew;" which was carried. Mr M'Rea moved that the House recede from their amendment to said bill by adding thereto section No. 9; which was carried. *Ordered*, that the clerk acquaint the Senate therewith. Mr Philpott moved that the House adhere to their amendments made to the resolutions of the Senate to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have appointed messrs Erwin of G. Walthall, Lawler, Hogan and Bridges a committee of conference on the part of the Senate on the disagreement of the House of Representatives to the amendment of the Senate to the resolution of the House of Representatives proposing to go into the election of judges of the first, second and fifth circuits, on striking out the word "fifth" in said resolution.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a president of the Branch Bank of the State of Alabama: John Gindrat being in nomination. For John Gindrat 77 votes.

Those who voted for Mr Gindrat are, messrs President Abercrombie Anderson Bridges Conner Culpwood Dupuy Edmondson Erwin of G. Hemphill Hogan Irwin of H. Lawler M'Elderry Morton Perry Pickett Smith Vining Walthall. Reps. messrs Speaker Acklen Augustus Baker Boyd Brednax Campbell Carroll Cook Craig Dellet Erwin Farrar Fontaine Foster Gilbreath Goynes Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of B. Lane Lea Lockhart Loyd M'Affee M'Cullum M'Rae M'Way Moffett Moore Musgrave Oliver of C. Oliver of M. Paul Payne Peete Philpott Rather Ross Eugely Saunders of B. Saunders of L. Shackelford Shearer Swink Snedden Tarrant Terrell Walker Ward.

Mr Gindrat receiving all the votes given in, Mr Speaker declared him duly elected president of the branch bank of the State of Alabama.

The two Houses then proceeded to the election of twelve directors of the Branch Bank of the State of Alabama: Messrs C. F. Pollard, William Sayre, John W. Freeman, William D. Pickett, Benajah S. Bibb, Daniel Carpenter, Samuel Holt, Thomas Brown, George Whitman, Bushrod W. Bell, William

Falkiner, William Graham, John Goldthwaite, Nimrod E. Benson, Green Wood, Charles Lucas and Wm. B. Street, were in nomination. For Pollard 58, Sayre 69, Freeman 61, Pickett 70, Bibb 66, Carpenter 69, Holt 56, Brown 52, Whitman 60, Bell 69, Falkiner 59, Graham 25, Goldthwaite 37, Benson 28, Wood 6, Lucas 54, Street 20.

Those who voted for Mr Pollard are, messrs President Abercrombie Anderson Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Baker Boyd Brodnax Carroll Cook Dellet Fontaine Foster Gayne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea M'Affee M'Rea M'Vay Moffett Moore Musgrave Nabors Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shearer Tarrant Terrell Toulmin Walker.

Those who voted for Mr Sayre are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Gayne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Affee M'Collum M'Rea M'flett Musgrave Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Freeman are, messrs President Abercrombie Anderson Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Gayne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Affee M'Collum M'Rea M'Vay Moore Musgrave Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Pickett are, messrs President Abercrombie Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Gayne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Affee M'Collum M'Rea M'Vay Moffett Moore Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Bibb are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Lawler M'Elderry Morton Perry Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Brodnax Carroll Cook Dellet Erwin Farrar Fontaine Foster Gayne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea M'Affee M'Collum M'Rea M'Vay Moffett Moore Musgrave Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Carpenter are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Dellet Erwin Farrar Fontaine Foster Gayne Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart M'Affee M'Collum M'Rea M'Vay Moffett Moore Musgrave Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Holt are, messrs Abercrombie Anderson Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Perry Pickett Walthall. Reps. messrs Speaker Abernathy Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Fontaine Foster Gayne Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick Lea M'Affee M'Collum M'Rea Moore Nabors Oliver of C. Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Brown are, messrs Abercrombie Anderson Conner Coopwood Dupuy Hemphill Lawler Morton Perry Pickett Walthall. Reps. messrs Speaker Abernathy Acklen Baker Brodnax Carroll Cook Dellet Farrar Fontaine Foster

Goynes Harris Herbert Hollis Hubbard Johnston Keener Kilpatrick Lea Lockhart M'Afee M'Rea Moore Musgrove Nabors Oliver of M. Paul Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker.

Those who voted for Mr Whitman are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Erwin of G. Hemphill Hogan M'Elderry Morton Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Cook Erwin Farrar Fontaine Foster Goynes Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lockhart M'Afee M'Collum M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Rugely Saunders of D. Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Bell are, messrs President Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill Hogan Lawler M'Elderry Morton Perry Pickett Smith Walthall. Reps. messrs Speaker Abernathy Acklen Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Farrar Fontaine Foster Goynes Hall of B. Harris Hickman Hollis Hubbard Johnston Keener Kilpatrick King of P. Lea Lockhart M'Afee M'Rea M'Vay Moffett Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Falkner are, messrs Abercrombie Anderson Bridges Conner Coopwood Dupuy Edmondson Erwin of G. Hemphill M'Elderry Morton Pickett Walthall. Reps. messrs Speaker Abernathy Augustus Baker Boyd Brodnax Campbell Carroll Cook Dellet Erwin Farrar Fontaine Foster Goynes Hall of B. Harris Hays Hickman Hollis Hubbard Johnston Keener Kilpatrick Lockhart M'Afee M'Collum M'Rea Moffett Moore Musgrove Nabors Oliver of M. Paul Payne Peete Philpot Rather Rugely Saunders of D. Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Graham are, messrs President Anderson Bridges Coopwood Erwin of G. Hogan Perry Pickett Smith. Reps. messrs Augustus Boyd Campbell Erwin Farrar Hall of B. Hays King of P. Lockhart M'Collum M'Vay Moffett Payne Ross Shackelford and Wilkinson.

Those who voted for Mr Goldthwaite are, messrs President Anderson Bridges Coopwood Edmondson Erwin of G. Hogan Lawler M'Elderry Perry Pickett Smith. Reps. messrs Speaker Acklen Augustus Boyd Campbell Carroll Dellet Erwin Farrar Hall of B. Hays King of P. Lea Lockhart M'Collum M'Vay Moffett Moore Norwood Payne Philpot Ross Saunders of L. Shackelford Wilkinson.

Those who voted for Mr Benson are, messrs Bridges Coopwood Edmondson Erwin of G. Hogan Lawler Pickett Smith. Reps.—messrs Abernathy Acklen Augustus Boyd Campbell Erwin Farrar Hays King of P. Lea Lockhart M'Collum M'Vay Moffett Musgrove Norwood Payne Ross Saunders of L. Shackelford.

Those who voted for Mr Wood are, messrs Bridges Erwin of G. Hogan Smith. Reps.—messrs Augustus Lockhart.

Those who voted for Mr Lucas are, messrs President Abercrombie Conner Dupuy Edmondson Hemphill Lawler M'Elderry Morton Walthall. Reps.—messrs Speaker Acklen Baker Brodnax Campbell Carroll Cook Dellet Drish Fontaine Foster Goynes Harris Hickman Hollis Hubbard Johnson Keener Kilpatrick Lea M'Afee M'Vay Moore Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Peete Philpot Rather Ross Rugely Saunders of D. Saunders of L. Shackelford Shearer Tarrant Terrell Toulmin Walker Wilkinson.

Those who voted for Mr Street are, messrs President Bridges Erwin of G. Hogan Perry Smith. Reps. Acklen Augustus Boyd Campbell Cook Erwin Hays King of P. Lea M'Collum M'Vay Moffett Oliver of C.

Messrs Pollard, Sayre, Freeman, Pickett, Bibb, Carpenter, Holt, Brown, Whiteman, Bell, Falkner, and Lucas having received a majority of all the votes given in, was duly declared by the Speaker elected directors of the branch bank of the State of Alabama.

The Senate then withdrew.

Mr Lane made the following report: The committee on enrolled bills have examined and found correctly enrolled, An act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved January 20th, 1829: which was signed by Mr Speaker.

Mr Dellet made the following report: The committee appointed on the part of the House of Representatives have met the committee appointed on the

part of the Senate on the subject of the disagreement of the two Houses on the resolution of the House of Representatives proposing to go into the election of judges for the first, second and fifth judicial circuits. The committee of conference after interchanging opinions on the subject of disagreement between the two Houses, agreed to recommend to the House of Representatives to recede from their disagreement to the amendments proposed by the Senate to the above named resolution, and recommend to the House to invite the Senate to go into the election for judges of the first and second circuits. Mr Baker moved that the report lie on the table; which was lost. The question then was to concur in the report. Mr Baker moved the previous question; and carried. The main question was then put, viz: Shall the House concur in the report? and carried. Yeas 42—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abernathy Augustus Baker Boyd Brodnax Craig Farrar Fontaine Goodwin Goyne Hall of B. Hays Herbert Hollis Johnston Keener Kilpatrick King of P. Lea Lockhart Loyd M'Afee M'Vay M'offett Moore Musgrove Oliver of C. Oliver of M. Paul Payne Peete Ross Rugely Saunders of D. Saunders of L. Shackleford Shearer Snedikor Tarrant Walker and Ward.

Those who voted in the negative are, messrs Speaker Acklen Campbell Carroll Dellet Drish Foster Gilbreath Hickman Hubbard M'Collum Norwood Philpot Rather Swink Terrell Toulmin and Wilkinson.

Mr Toulmin offered the following resolution: *Resolved*, that the Senate be informed that the House is now ready to receive them to go into the election of judges of the first and second judicial circuits. Mr Baker called for the previous question; which was sustained. The main question was then put, viz: Shall this resolution be adopted? it past in the affirmative.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, both Houses then proceeded to the election of a judge of the first judicial circuit.

Mr Ptolemy Harris, John G. Creagh and John H. Jones being in nomination. For Mr Harris, 51; mr Creagh, 10; mr Jones, 9.

Those who voted for mr Harris are, messrs Abercrombie Anderson Conner Coopwood Dupuy Edmondson Hemphill Hogan Irwin of H. Lawler Morton Walthall. Reps. messrs Speaker Abernathy Augustus Baker Carroll Fontaine Gilbreath Goodwin Hall of B. Herbert Hickman Hollis Hubbard Johnston Keener King of P. Lane Loyd M'Afee M'Collum M'Rea Musgrove Nabors Oliver of C. Oliver of M. Paul Payne Rather Rugely Saunders of D. Saunders of L. Swink Shearer Tarrant Terrell Walker Ward.

Those who voted for mr Creagh are, messrs President Bridges Pickett. Reps.—Dellet M'offett Moore Peete Ross Stephens Wilkinson.

Those who voted for mr Jones are, messrs M'Elderry Smith. Reps. Boyd Brodnax Drish Farrar Foster Goyne Toulmin. Mr Erwin of G. voted for F. S. Lyon.

The two Houses then proceeded to the election of a judge of the second judicial circuit, to fill the vacancy occasioned by the election of Reuben Saffold to the separate supreme bench. Nathan Cook, Horatio G. Perry, and James be Clark being in nomination, for Mr Cook 35; Mr Perry 30; Mr Clark 10.

Those who voted for mr Cook are, messrs President Abercrombie Dupuy Edmondson Hemphill Morton. Reps. messrs Speaker Abernathy Baker Brodnax Fontaine Foster Hall of B. Hollis Hubbard Johnston Keener Loyd M'Collum M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Peete Rather Ross Rugely Saunders of L. Tarrant Terrell Toulmin Walker Ward.

Those who voted for mr Perry are, messrs Anderson Bridges Conner Hogan Irwin of H. M'Elderry Walthall. Reps. messrs Carroll Dellet Drish Farrar Gilbreath Goyne Harris Herbert Hickman Kilpatrick King of P. Lea Lockhart M'Afee Nabors Norwood Paul Payne Saunders of D. Shackleford Shearer Stephens Wilkinson.

Those who voted for mr Clark are, messrs Coopwood Erwin of G. Lawler Pickett. Reps. messrs Augustus Boyd Goodwin Hays M'offett Snedikor.

No one of the candidates having received a majority of votes, the two

houses proceeded again to the election. The name of Mr Clark being withdrawn, for Mr Cook 35 votes; for Mr Perry 42.

Those who voted for Mr Cook are, messrs President Abercrombie Dupuy Edmondson Hemphill Merten. Reps. messrs Speaker Abernathy Augustus Baker Brodnax Fontaine Foster Hall of B. Hubbard Johnston Keener Loyd M'Collum M'Rea M'Vay Moore Musgrove Oliver of C. Oliver of M. Peete Rather Ross Rugely Saunders of L. Tarrant Terrell Toulmin Walker Ward.

Those who voted for Mr Perry are, messrs Anderson Bridges Cenner Coopwood Erwin of G. Irwin of H. Hogan Lawler M'Elderry Pickett Smith Vining Walthall. Reps. messrs Boyd Carroll Dellet Drish Farrar Gilbreath Goodwin Goynes Harris Hays Herbert Hickman Kilpatrick King of M. King of P. Lea Lockhart M'Affee Moffett Nabors Norwood Paul Payne Saunders of D. Shackelford Shearer Swink Stephens Wilkinson.

Mr Perry having received a majority of all the votes given, Mr Speaker declared him duly elected judge of the second judicial circuit.

And then the Senate withdrew.

A message was received from the Governor by James I. Thornton: Mr Speaker—I am requested by the Governor to inform your honorable body that he did, this day, approve and sign the following bills: An act more effectually to secure to militia officers the infantry tactics received by the State from the general government; an act to authorize the judge of the county court and commissioners of revenue and roads of Walker county to have the records of said county transcribed; an act to provide for the election of justices of the peace and constable in the corporate limits of the town of Huntsville; an act to provide for the payment of the reporter of the decisions of the supreme court for reporting the decisions of 1829 and 1830; an act making appropriations for the year 1832; an act to establish an academy of learning at Triana, in Madison county; an act to legitimate and change the names of certain persons therein named; an act making provisions for the taxing of cattle in this State which is the property of nonresidents; an act supplemental to an act to establish a turnpike road therein mentioned, approved January 7, 1830; an act to increase the number of jurors to attend the circuit court in the county of Wilcox; an act to discontinue and establish certain election precincts therein named; an act to explain an act passed at the present session of the General Assembly; an act to authorize Willis Atkins to erect certain gates therein mentioned; an act to authorize Cornelius Rain to establish a turnpike road; joint resolutions recommending Andrew Jackson for re-election to the presidency of the United States; an act to dispose of certain public lands and for other purposes; an act to repeal in part an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, approved Jan. 20, 1829.

On motion of Mr Rather: *Resolved*, that the clerk of this House inform the Senate that they have disposed of all the business before them, and are now ready to adjourn *sine die*.

Ordered, that the clerk acquaint the Senate therewith.

The House then adjourned.

JAMES PENN,

Attest:

Speaker of the House of Representatives.

T. B. TUNSTALL, Clerk of the House of Representatives.